



**GENERAL NPDES PERMIT FOR DISCHARGES FROM  
THE APPLICATION OF PESTICIDES**

**PERMIT NO. TNP100000**

Under authority of the Tennessee Water Quality Control Act of 1977 ([T.C.A. 69-3-101](#) et seq.) and the authorization by the United States Environmental Protection Agency under the Federal Water Pollution Control Act, as amended by the Clean Water Act of 1977 ([33 U.S.C. 1251](#), et seq.) and the [Water Quality Act of 1987, P.L. 100-4](#), operators of point source discharges from the application of pesticides, are authorized to discharge pollutants in accordance with the following permit monitoring and reporting requirements, effluent limitations, and other provisions as set forth herein, from the subject point sources to waters of the State of Tennessee.

This permit is issued on:

This permit is effective on:

This permit expires on:

**DRAFT**

for Tisha Calabrese-Benton  
Director

**Tennessee General Permit No. TNP100000**  
**Discharges from the Application of Pesticides**

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**Table of Contents**

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<b>1.</b>	<b>COVERAGE UNDER THIS PERMIT .....</b>	<b>1</b>
<b>1.1.</b>	<b>Eligibility .....</b>	<b>1</b>
1.1.1.	Activities Covered .....	1
1.1.2.	Limitations on Coverage .....	2
<b>1.2.</b>	<b>Authorization to Discharge under This Permit .....</b>	<b>3</b>
1.2.1.	How to Obtain Authorization.....	3
1.2.2.	Decision-makers Required to Submit an NOI .....	3
1.2.3.	Discharge Authorization Date.....	4
1.2.4.	Where to Submit the NOI .....	4
1.2.5.	Continuation of This Permit .....	7
1.2.6.	Terminating Coverage.....	7
<b>1.3.</b>	<b>Alternative Permits .....</b>	<b>8</b>
1.3.1.	Requirements for Coverage under an Alternative Permit .....	8
1.3.2.	Operator Requesting Coverage under an Alternative Permit .....	8
<b>1.4.</b>	<b>Severability.....</b>	<b>9</b>
<b>1.5.</b>	<b>Other Federal and State Laws.....</b>	<b>9</b>
<b>1.6.</b>	<b>Listed Endangered and Threatened Species and Designated Critical Habitat .....</b>	<b>9</b>
<b>2.</b>	<b>TECHNOLOGY-BASED EFFLUENT LIMITATIONS .....</b>	<b>9</b>
<b>2.1.</b>	<b>Applicators' Responsibilities .....</b>	<b>10</b>
<b>2.2.</b>	<b>Decision-makers' Responsibilities: For All Decision-makers .....</b>	<b>10</b>
2.2.1.	Mosquito and Other Flying Insect Pest Control .....	10
2.2.2.	Weed and Algae Pest Control .....	12
2.2.3.	Animal Pest Control.....	13
2.2.4.	Forest Canopy Pest Control .....	14
<b>3.</b>	<b>WATER QUALITY-BASED EFFLUENT LIMITATIONS.....</b>	<b>15</b>
<b>4.</b>	<b>MONITORING.....</b>	<b>15</b>
<b>4.1.</b>	<b>Visual Monitoring Requirements for Pesticide Applicators .....</b>	<b>15</b>
<b>4.2.</b>	<b>Visual Monitoring Requirements for all Operators.....</b>	<b>15</b>
<b>5.</b>	<b>PESTICIDE DISCHARGE MANAGEMENT PLAN .....</b>	<b>15</b>
<b>5.1.</b>	<b>Contents of the Pesticide Discharge Management Plan.....</b>	<b>16</b>
5.1.1.	Pesticide Discharge Management Team.....	16

5.1.2.	Problem Identification .....	16
5.1.3.	Pest Management Options Evaluation .....	17
5.1.4.	Response Procedures .....	17
5.1.5.	Documentation to Support Eligibility Considerations under Other Federal Laws .....	17
5.1.6.	Signature Requirements .....	17
5.2.	<b>Pesticide Discharge Management Plan Modifications .....</b>	<b>18</b>
5.3.	<b>Pesticide Discharge Management Plan Availability .....</b>	<b>18</b>
6.	<b>CORRECTIVE ACTION .....</b>	<b>18</b>
6.1.	<b>Situations Requiring Revision of Pest Management Measures .....</b>	<b>18</b>
6.2.	<b>Corrective Action Deadlines .....</b>	<b>19</b>
6.3.	<b>Effect of Corrective Action .....</b>	<b>19</b>
6.4.	<b>Adverse Incident Documentation and Reporting .....</b>	<b>19</b>
6.4.1.	Twenty-Four (24)-Hour Adverse Incident Notification .....	19
6.4.2.	Thirty (30)-Day Adverse Incident Written Report .....	20
6.4.3.	Adverse Incident to Threatened or Endangered Species or Critical Habitat .....	21
6.4.4.	Notification and Reporting for Adverse Incidents Involving Multiple Operators .....	21
6.5.	<b>Reportable Spills and Leaks .....</b>	<b>21</b>
6.5.1.	Spill, Leak, or Other Unpermitted Discharge Notification .....	21
6.5.2.	Thirty (30)-Day Spill, Leak, or Other Unpermitted Discharge Documentation .....	22
6.6.	<b>Other Corrective Action Documentation .....</b>	<b>22</b>
7.	<b>RECORDKEEPING AND ANNUAL REPORTING .....</b>	<b>22</b>
7.1.	<b>Recordkeeping For All Operators .....</b>	<b>23</b>
7.2.	<b>Recordkeeping for All Operators who are For-Hire Applicators .....</b>	<b>24</b>
7.3.	<b>Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity .....</b>	<b>24</b>
7.4.	<b>Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity .....</b>	<b>25</b>
7.5.	<b>Retention of Records for All Operators .....</b>	<b>25</b>
7.6.	<b>Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity .....</b>	<b>26</b>
8.	<b>TDEC CONTACT INFORMATION AND MAILING ADDRESSES .....</b>	<b>27</b>
8.1.	<b>The Division's Nashville Central Office Address .....</b>	<b>27</b>

<b>8.2. List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties .....</b>	<b>27</b>
<b>Instructions for Completing the Annual Report Form for the Pesticide General Permit (PGP).....</b>	<b>1</b>

## 1. Coverage under This Permit

This permit covers any Operator who meets the eligibility requirements identified in Part 1.1 and if so required, has submitted a Notice of Intent (NOI) in accordance with Part 1.2.

For the purpose of this permit, “Operator” is defined in Appendix A to mean any entity associated with the application of pesticides which results in a discharge to waters of the state that meets either of the following two criteria:

- (1) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or
- (2) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

Operators identified in (1) above are referred to in this permit as **Applicators** while Operators identified in (2) are referred to in this permit as **Decision-makers**. As defined, more than one Operator may be responsible for complying with this permit for any single discharge from the application of pesticides.

For purposes of this permit, all Operators are defined as either an Applicator or a Decision-maker or both an Applicator and a Decision-maker. When an Operator is both an Applicator and a Decision-maker, the Operator must comply with all applicable requirements imposed on both Applicators and Decision-makers. When the permit references all “Operators,” both Applicators and Decision-makers must comply.

The application of the pesticides shall be by persons licensed by the Tennessee Department of Agriculture (TDA) and must meet all applicable regulations of the Tennessee Department of Agriculture. This requirement is to insure the applicators of these herbicides are trained in the use of these herbicides.

### 1.1. Eligibility

#### 1.1.1. Activities Covered

This permit is available to Operators who discharge to waters of the state from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called pesticides), when the pesticide application is for one of the following pesticide use patterns:

- a. **Mosquito and Other Flying Insect Pest Control**—to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.
- b. **Weed and Algae Pest Control**—to control weeds, algae, and pathogens that are pests in water and at water’s edge, including wet weather conveyances.
- c. **Animal Pest Control**—to control animal pests in water and at water’s edge. Animal pests in this use category include fish, lampreys, insects, mollusks, and pathogens.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

- d. **Forest Canopy Pest Control**—application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

1.1.2. Limitations on Coverage

1.1.2.1. Discharges to Water Quality Impaired waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the state if the water is identified as impaired by a substance which either is an active ingredient in that pesticide or is a product of degradation of such an active ingredient. For purposes of this permit, impaired waters are those that have been identified by the division pursuant to section 303(d) of the CWA as not meeting applicable state water quality standards. Impaired waters, for the purposes of this permit, consist of both waters with EPA-approved total maximum daily loads (TMDLs). If a discharge from a pesticide application would not be eligible under this permit because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, Operators may submit this information to the division consistent with Table 1-2 in Part 1.2.3, and request that coverage be allowed under this permit.

1.1.2.2. Discharges to Waters Designated as Outstanding National Resource Waters

Except for discharges from pesticide applications made to restore or maintain water quality or to protect public health or the environment that either do not degrade water quality or only degrade water quality on a short-term or temporary basis, Operators are not eligible for coverage under this permit for discharges to waters of the state if the water is designated as Outstanding National Resource Waters (ONRWs) for antidegradation purposes under Title 40 of the Code of Federal Regulations (CFR) 131.12(a)(3). Designation of ONRWs are made according to TDEC Rules, [Chapter 1200-4-3-.06](#).

1.1.2.3. Discharges Currently or Previously Covered by another Permit

Discharges are not eligible for coverage under this permit if any of the following circumstances apply:

- a. The discharge is covered by another NPDES permit, or
- b. The discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked by the division (this does not apply to the routine reissuance of permits every 5 years).

1.1.2.4. Discharges Not Protective of Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species

Pesticide applications and application-related activities that are not protective of legally protected listed or proposed threatened or endangered aquatic fauna or flora (or species proposed for such protection) in the receiving stream(s); or discharges or activities that would result in a “take” of a state or federal listed endangered or threatened aquatic or wildlife species deemed in

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

need of management or special concern species, or such species' habitat. If the division finds that pesticide applications and application-related activities are likely to result in any of the above effects, the director will deny the coverage under this general permit unless and until project plans are changed to adequately protect the species.

## **1.2. Authorization to Discharge under This Permit**

### **1.2.1. How to Obtain Authorization**

The following discharges, consistent with the permit eligibility provisions in Part 1.1, are automatically authorized by this permit beginning with the effective date of this permit.

- a. Eligible discharges made prior to the NOI submission deadline. See Table 1-2 in Part 1.2.3;
- b. Eligible discharges that result from the application of a pesticide as part of pesticide research and development, as defined in Appendix A;
- c. Eligible discharges for which submission of an NOI is not required. See Parts 1.2.2 and 1.2.3.

To obtain authorization under this permit for all other eligible discharges, a Decision-maker must submit a timely, complete, and accurate NOI consistent with the requirements of Parts 1.2.2 and 1.2.3.

### **1.2.2. Decision-makers Required to Submit an NOI**

Any "Decision-maker who is or will be required to submit an NOI" as defined in Appendix A, is identified in Table 1-1.

For calculating annual treatment area totals for purposes of determining if an NOI must be submitted, see the definition for "annual treatment area threshold" in Appendix A of the permit.

An NOI provides notice to the division that a Decision-maker intends to discharge to waters of the state from pesticide application activities eligible for coverage under this permit. Information required is provided on the NOI form included in Appendix D. The NOI must identify the pest management area where the Decision-maker will conduct activities resulting in discharges to waters of the state to be covered under this permit. If the activities will result in discharges to any Outstanding National Resource Waters, eligible under Part 1.1.2.2, the NOI must specifically identify the Outstanding National Resource Waters water by the name listed in the TN Rules, Chapter [1200-4-3-.06\(5\)](#).

If required to submit an NOI, a Decision-maker must submit the NOI once, in accordance with the deadlines in Part 1.2.3, Table 1-2. The Decision-maker must submit an updated NOI if the criteria in Part 1.2.3, Table 1-3 are met. Late NOIs will be accepted, but authorization to discharge will not be retroactive.

Coverage will be available for the duration of the permit for Decision-makers who file an NOI, including the Decision-makers' employees, contractors, subcontractors, and other agents, for all

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

activities identified on the NOI unless coverage is terminated pursuant to Parts 1.2.5 or 1.3. If a submitted NOI is not timely, accurate, or complete, any employee, contractor, subcontractor or other entity that discharges without the required NOI is not covered by this permit.

Applicators who are not also Decision-makers do not need to submit an NOI.

1.2.3. Discharge Authorization Date

Except for discharges identified in Tables 1-1 through 1-3, any Operator with eligible discharges is automatically authorized to discharge under this permit without submission of an NOI. Decision-makers with eligible discharges identified in Tables 1-1 through 1-3 are authorized under this permit consistent with the requirements in those tables.

On the basis of a review of an NOI or other information, the division may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

All Operators with eligible discharges are authorized for permit coverage through September 1, 2012, without submission of an NOI. After September 1, 2012, all Operators with eligible discharges for which an NOI is not required also are automatically covered under this permit. After September 1, 2012, all Decision-makers with eligible discharges for which an NOI is required are required to submit an NOI consistent with the earliest applicable due date identified in Table 1-2. Decision-makers may submit multiple NOIs with different activities on each of those NOIs such that discharges from different activities are authorized at different times.

Decision-makers who are required to submit an NOI, but are discharging between the effective date of this permit and September 1, 2012, must begin complying with Part 2.2 requirements as of the permit effective date.

1.2.4. Where to Submit the NOI

The applicant shall submit the NOI to the division's Nashville Central Office at the following address:

Division of Water Pollution Control  
Attn: Permit Section – Pesticide General Permit  
6th Floor, L & C Annex  
401 Church Street, Nashville, TN 37243

A complete scanned copy of the NOI in the PDF format can also be submitted to e-mail address: [WPC.Permits@tn.gov](mailto:WPC.Permits@tn.gov).

A list of counties and the corresponding Environmental Field Offices (EFOs) is provided in Part 8.2 of this permit. TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the site, using a land line.



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

**Table 1-1. Decision-makers Required to Submit NOIs**

PGP Part/ Pesticide Use	Which Decision-makers Must Submit NOIs?	For Which Pesticide Application Activities?
All four use patterns identified in Part 1.1.1	Any Decision-maker with an eligible discharge to Outstanding National Resource Waters consistent with Part 1.1.2.2	Activities resulting in a discharge to a Outstanding National Resource Waters
1.1.1(a) - Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the state
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Adulticide treatment if more than 6,400 acres during a calendar year
1.1.1(b) - Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All weed and algae pest control activities resulting in a discharge to waters of the state
	Irrigation and weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1(c) - Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All animal pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
1.1.1.(d) - Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations	All forest canopy pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment if more than 6,400 acres during a calendar year

**Table 1-2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides**

After September 1, 2012, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. NOI due dates for any discharges occurring on or after September 1, 2012 are as follows:		
Operator Type	NOI Submission Deadline	Discharge Authorization Date <sup>1</sup>
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Part 1.2.2	Not later than 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker that exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1.	At least 10 days before any discharge for which an NOI is required.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI.

1) On the basis of a review of an NOI or other information, the division may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3.

**Table 1-3. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates**

Operator Type	NOI Submission Deadline	Discharge Authorization Date
Any Decision-maker requiring permit coverage for a pest management area not identified on a previously submitted NOI for this permit, except for discharges to any Outstanding National Resource Waters. Except for such waters, changes other than identification of a new pest management area or a new pesticide use pattern do not require a revised NOI submittal.	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after the division posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.
Any Decision-maker discharging to a Outstanding National Resource Waters water not identified by name on a previously submitted NOI for this permit.	At least 10 days before beginning to discharge in that newly identified Outstanding National Resource Waters unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

1.2.5. Continuation of This Permit

If this permit is not reissued or replaced before the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and remain in force and effect. If an Operator was authorized to discharge under this permit before the expiration date, any discharges authorized under this permit will automatically remain covered by this permit until the earliest of the following:

- a. A Decision-maker is authorized for coverage under a reissued permit or a replacement of this permit, following the timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new permit and in compliance with the requirements of the NOI;
- b. A Decision-maker submits a Notice of Termination and that notice is processed and posted on the Internet consistent with Part 1.2.6.1;
- c. An NPDES individual permit for a discharge resulting from application of a pesticide that would otherwise be covered under this permit is issued or denied;
- d. the division issues a formal permit decision not to reissue this general permit, at which time the division will identify a reasonable period for covered dischargers to seek coverage under an alternative NPDES general permit or an NPDES individual permit. Coverage under this permit will cease when coverage under another permit is granted/authorized; or
- e. the division has informed the Operator that its discharge is no longer covered under this permit.

1.2.6. Terminating Coverage

1.2.6.1. Submitting a Notice of Termination

To terminate permit coverage, a Decision-maker who is required to submit an NOI as identified in Part 1.2.2, must submit a complete and accurate Notice of Termination. Information required to be included in a Notice of Termination is provided in Appendix E. The authorization to discharge under this permit terminates at 11:59 p.m. of the day that a complete Notice of Termination is processed and posted on the division's website. If a Decision-maker submits a Notice of Termination without meeting one or more of the conditions identified in Part 1.2.5.2, the Notice of Termination is not valid. Decision-makers are responsible for complying with the terms of this permit until authorization is terminated. If required to submit annual reports pursuant to Part 7 prior to the termination of authorization under this permit, Decision-makers must file an annual report for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following calendar year.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

1.2.6.2. When to Submit a Notice of Termination

A Decision-maker who is required to submit an NOI as identified in Part 1.2.2 must submit a Notice of Termination within 30 days after one or more of the following conditions have been met:

- a. A new Decision-maker has taken over responsibility of the pest control activities covered under an existing NOI;
- b. The Decision-maker has ceased all discharges from the application of pesticides for which permit coverage was obtained and does not expect to discharge during the remainder of the permit term for any of the use patterns as identified in Part 1.1.1; or
- c. The Decision-maker has obtained coverage under an NPDES individual permit or an alternative NPDES general permit for all discharges required to be covered by an NPDES permit, unless coverage was obtained consistent with Part 1.3, in which case coverage under this permit will terminate automatically.

1.2.6.3. Termination for Operators not Required to Submit an NOI

Operators covered under this permit, who are not required to submit an NOI, are terminated from permit coverage when there is no longer a discharge from the application of pesticides or the discharges are covered under an NPDES individual permit or alternative NPDES general permit.

**1.3. Alternative Permits**

1.3.1. Requirements for Coverage under an Alternative Permit

In accordance with 40 CFR 122.64 and 124.5, the division may require Operators to apply for and/or obtain authorization to discharge under either an NPDES individual permit or an alternative NPDES general permit.

If the division requires an Operator to apply for an NPDES individual permit, the division will notify the Operator in writing that a permit application is required. Such a notification will include a brief statement of the reasons for the decision and will provide application information. In addition, for Operators whose discharges are authorized under this permit, any notice will set a deadline to file the permit application and will include a statement that on the effective date of the NPDES individual permit, coverage under this general permit will terminate. The division may grant additional time to submit the application if an Operator submits a request setting forth reasonable grounds for additional time. If covered under this permit and the Operator fails to submit an NPDES individual permit application as required by the division, the applicability of this permit to such Operator is terminated at the end of the day specified by the division as the deadline for application submittal. The division may take enforcement action for any unpermitted discharge or violation of any permit requirement.

1.3.2. Operator Requesting Coverage under an Alternative Permit

If an Operator does not want to be covered by this general permit but needs permit coverage, the Operator can apply for an NPDES individual permit. In such a case, the Operator must submit an

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

individual permit application in accordance with the requirements of 40 CFR 122.26(c)(1)(ii), with reasons supporting the request, to the division at the applicable Environmental Field Office listed in Part 8.2 of this permit. The request may be granted by issuance of an NPDES individual permit or authorization of coverage under an alternative NPDES general permit.

When an individual NPDES permit is issued, or the Operator is authorized under an alternative NPDES general permit to discharge a pollutant to waters of the state as a result of a pesticide application, authorization to discharge under this permit is terminated on the effective date of the NPDES individual permit or the date of authorization of coverage under the alternative NPDES general permit.

#### **1.4. Severability**

Invalidation of a portion of this permit does not render the whole permit invalid. The division's intent is that the permit will remain in effect to the extent possible; if any part of this permit is invalidated, the remaining parts of the permit will remain in effect unless the division issues a written statement otherwise.

#### **1.5. Other Federal and State Laws**

Operators must comply with all other applicable federal and state laws and regulations that pertain to the application of pesticides. For example, this permit does not negate the requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations to use registered pesticides consistent with the product's labeling. In fact, applications in violation of certain FIFRA requirements could also be a violation of the permit and therefore a violation of the CWA (e.g. exceeding label application rates). Additionally, other laws and regulations might apply to certain activities that are also covered under this permit (e.g., United States Coast Guard regulations).

#### **1.6. Listed Endangered and Threatened Species and Designated Critical Habitat**

Operators must comply with all conditions and/or requirements that address discharges from activities also covered under this permit resulting from any of the following pre-existing situations:

- a) Endangered Species Act (ESA) Section 7 consultation that Operators have completed with FWS, and/or
- b) ESA Section 10 permit issued to the Operator by FWS.

### **2. Technology-Based Effluent Limitations**

This Part includes technology-based effluent limitations applicable to all Operators, as defined in Appendix A, for any discharges authorized under this permit, with compliance required upon beginning such discharge. All Operators are classified as either "Applicators" or "Decision-makers," as defined in Appendix A, or both. Applicators must perform the tasks identified in Part 2.1 – Applicators' Responsibilities. Decision-makers must perform the tasks identified in Part 2.2 – Decision-makers' Responsibilities. There may be instances when a single entity acts as both an Applicator and a Decision-maker.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

If an Operator's discharge of pollutants results from the application of pesticide that is being used solely for the purpose of "pesticide research and development," as defined in Appendix A, the Operator must use such pesticide consistent with any applicable research plan and experimental use permit.

As stated in Part 1.5, this permit requires all Operators to comply with all other applicable federal or state laws and regulations that pertain to application of pesticides by the Operator.

## **2.1. Applicators' Responsibilities**

To meet the effluent limitations of this permit, all Applicators must implement Part 2.1 to minimize the discharge of pesticides to waters of the state from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

- 2.1.1 To the extent not determined by the Decision-maker, use only the amount of pesticide and frequency of pesticide application necessary to control the target pest, using equipment and application procedures appropriate for this task.
- 2.1.2 Maintain pesticide application equipment in proper operating condition, including requirement to calibrate, clean, and repair such equipment and prevent leaks, spills, or other unintended discharges.
- 2.1.3 Assess weather conditions (e.g. temperature, precipitation and wind speed) in the treatment area to ensure application is consistent with all applicable federal requirements.

## **2.2. Decision-makers' Responsibilities: For All Decision-makers**

To meet the effluent limitations in Part 2.2, all Decision-makers must minimize the discharge of pesticides to waters of the state from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

To the extent the Decision-maker determines the amount of pesticide or frequency of pesticide application, the Decision-maker must use only the amount of pesticide and frequency of pesticide application necessary to control the target pest.

### **Decision-Maker's Responsibilities: For Any Decision-maker Who is or Will be Required to Submit an NOI**

To meet the effluent limitations of this permit, prior to pesticide application, any Decision-maker is or will be required to submit an NOI as required in Part 1.2.2, must also implement Parts 2.2.1 - 2.2.4 to minimize the discharge of pesticides to waters of the state from the application of pesticides, through the use of Pest Management Measures, as defined in Appendix A.

#### **2.2.1. Mosquito and Other Flying Insect Pest Control**

This part applies to discharges from the application of pesticides for mosquito and other flying insect pest control as defined in Part 1.1.1.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

- a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
  1. Establish densities for larval and adult mosquito or flying insect pest populations or identify environmental condition(s), either current or based on historical data, to serve as action threshold(s) for implementing Pest Management Measures;
  2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
  3. Identify known breeding sites for source reduction, larval control program, and habitat management;
  4. Analyze existing surveillance data to identify new or unidentified sources of mosquito or flying insect pest problems as well as sites that have recurring pest problems; and
  5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.1.a.
- b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control mosquitoes or other flying insect pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
  1. No action
  2. Prevention
  3. Mechanical or physical methods
  4. Cultural methods
  5. Biological control agents
  6. Pesticides.
- c. Pesticide Use. If a pesticide is selected to manage mosquitoes or flying insect pests, and application of the pesticide will result in a discharge to waters of the state, any Decision-maker who is or will be required to submit an NOI must:
  1. Conduct larval and/or adult surveillance in an area that is representative of the pest problem or evaluate existing larval surveillance data, environmental conditions, or data from adjacent areas prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met;
  2. Reduce the impact on the environment and on non-target organisms by applying the pesticide only when the action threshold(s) has been met;
  3. In situations or locations where practicable and feasible for efficacious control, use larvicides as a preferred pesticide for mosquito or flying insect pest control when the larval action threshold(s) has been met; and

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

4. In situations or locations where larvicide use is not practicable or feasible for efficacious control, use adulticides for mosquito or flying insect pest control when the adult action threshold(s) has been met.

2.2.2. Weed and Algae Pest Control

This part applies to discharges from the application of pesticides for control of weeds, algae, and pathogens as defined in Part 1.1.1.

- a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-makers who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
  1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
  2. Identify target pest(s);
  3. Identify possible factors causing or contributing to the pest problem (e.g., nutrients, invasive species, etc);
  4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.2.b; and
  5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.2.a.
- b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
  1. No action
  2. Prevention
  3. Mechanical or physical methods
  4. Cultural methods
  5. Biological control agents
  6. Pesticides
- c. Pesticide Use. If a pesticide is selected to manage pests, and application of the pesticide will result in a discharge to waters of the state, any Decision-maker who is or will be required to submit an NOI must:



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

1. Conduct surveillance in an area that is representative of the pest problem prior to each pesticide application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by applying the pesticide only when the action threshold has been met.

2.2.3. Animal Pest Control

This part applies to discharges from the application of pesticides for control of animal pests as defined in Part 1.1.1.

- a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
  1. Identify areas with pest problems and characterize the extent of the problems, including, for example, water use goals not attained (e.g. wildlife habitat, fisheries, vegetation, and recreation);
  2. Identify target pest(s);
  3. Identify possible factors causing or contributing to the problem (e.g., nutrients, invasive species);
  4. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.3.b; and
  5. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.3.a.
- b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each year thereafter prior to the first pesticide application during that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
  1. No action
  2. Prevention
  3. Mechanical or physical methods
  4. Biological control agents
  5. Pesticides
- c. Pesticide Use. If a pesticide is selected to manage pests and application of the pesticide will result in a discharge to waters of the state, any Decision-maker who is or will be required to submit an NOI must:

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the action threshold(s) is met; and
2. Reduce the impact on the environment and non-target organisms by evaluating site restrictions, application timing, and application method in addition to applying the pesticide only when the action threshold(s) has been met.

2.2.4. Forest Canopy Pest Control

This part applies to discharges from the application of pesticides for forest canopy pest control as defined in Part 1.1.1.

- a. Identify the Problem. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application in that calendar year, any Decision-maker who is or will be required to submit an NOI must do the following for each pest management area, as defined in Appendix A:
  1. Establish any pest- and site-specific action threshold, as defined in Appendix A, for implementing Part 2.2.4.b;
  2. Identify target pest(s) to develop Pest Management Measures based on developmental and behavioral considerations for each pest;
  3. Identify current distribution of the target pest and assess potential distribution in the absence of Pest Management Measures; and
  4. In the event there are no data for the pest management area in the past calendar year, use other available data as appropriate to meet the permit conditions in Part 2.2.4.a.
- b. Pest Management Options. Prior to the first pesticide application covered under this permit that will result in a discharge to waters of the state, and at least once each calendar year thereafter prior to the first pesticide application for that calendar year, any Decision-maker who is or will be required to submit an NOI must select and implement efficient and effective means of Pest Management Measures that minimize discharges resulting from the application of pesticides to control pests. In developing the Pest Management Measures for each pest management area, the Decision-maker must evaluate the following management options, including a combination of these management options, considering impact to water quality, impact to non-target organisms, feasibility, and cost effectiveness:
  1. No action
  2. Prevention
  3. Mechanical/physical methods
  4. Cultural methods
  5. Biological control agents
  6. Pesticides
- c. Pesticide Use. If a pesticide is selected to manage forestry pests, and application of the pesticide will result in a discharge to waters of the state, any Decision-maker who is or will be required to submit an NOI must:

1. Conduct surveillance in an area that is representative of the pest problem prior to each application to assess the pest management area and to determine when the pest action threshold is met;
2. Reduce the impact on the environment and non-target organisms by evaluating the restrictions, application timing, and application methods in addition to applying the pesticide only when the action threshold(s) has been met; and
3. Evaluate using pesticides against the most susceptible developmental stage.

### **3. Water Quality-Based Effluent Limitations**

All Operators must control discharges as necessary to meet applicable numeric and narrative state water quality standards, for any discharges authorized under this permit, with compliance required upon beginning such discharge.

If at any time an Operator becomes aware (e.g., through self-monitoring or by notification from the local regulatory authority), or the division determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Part 6 and Appendix B, Section B.3, up to and including the ceasing of the discharge, if necessary.

## **4. Monitoring**

### **4.1. Visual Monitoring Requirements for Pesticide Applicators**

During any pesticide application with discharges authorized under this permit, all Applicators must, when considerations for safety and feasibility allow, visually assess the area to and around where pesticides are applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

### **4.2. Visual Monitoring Requirements for all Operators**

During any Operator post-application surveillance of any pesticide application with discharges authorized under this permit, all Operators must visually assess the area to and around where pesticides were applied for possible and observable adverse incidents, as defined in Appendix A, caused by application of pesticides, including the unanticipated death or distress of non-target organisms and disruption of wildlife habitat, recreational or municipal water use.

## **5. Pesticide Discharge Management Plan**

Any Decision-maker who is or will be required to submit an NOI, as required in Part 1.2.2, and is a large entity, as defined in Appendix A, must prepare a Pesticide Discharge Management Plan (PDMP) by the time the NOI is filed, unless an application is made in response to a Declared Pest Emergency Situation, as defined in Appendix A

The PDMP does not contain effluent limitations; the effluent limitations are specified in Parts 2 and 3 of the permit. The PDMP documents how Decision-makers will implement the effluent limitations in Parts 2 and 3 of the permit, including the evaluation and selection of Pest

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

Management Measures to meet those effluent limitations in order to minimize discharges. In the PDMP, Decision-makers may incorporate by reference any procedures or plans in other documents that meet the requirements of this permit. If Decision-makers rely upon other documents to comply with the effluent limitations in this permit, such as a pre-existing pest management plan, the Decision-maker must attach to the PDMP a copy of any portions of any documents that are used to document the implementation of the effluent limitations.

## **5.1. Contents of the Pesticide Discharge Management Plan**

The Pesticide Discharge Management Plan (PDMP) must include the following elements:

- a. Pesticide Discharge Management Team
- b. Problem Identification
- c. Pest Management Options Evaluation
- d. Response Procedures
  1. Spill Response Procedures
  2. Adverse Incident Response Procedures
- e. Documentation to support eligibility considerations under other federal laws
- f. Signature Requirements.

### **5.1.1. Pesticide Discharge Management Team**

Decision-makers must identify all the persons (by name and contact information) that compose the team as well as each person's individual responsibilities, including:

- a. Person(s) responsible for managing pests in relation to the pest management area;
- b. Person(s) responsible for developing and revising the PDMP; and
- c. Person(s) responsible for developing, revising, and implementing corrective actions and other effluent limitation requirements;

### **5.1.2. Problem Identification**

Decision-makers must document the following:

- a. Pest problem description. Document a description of the pest problem at the pest management area, including identification of the target pest(s), source(s) of the pest problem, and source of data used to identify the problem in Parts 2.2.1, 2.2.2, 2.2.3, and 2.2.4.
- b. Action Threshold(s). Describe the action threshold(s) for the pest management area, including data used in developing the action threshold(s) and method(s) to determine when the action threshold(s) has been met.
- c. General location map. In the plan, include a general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) that identifies the geographic boundaries of the area to which the plan applies and location of the waters of the state and

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

- d. Water quality standards. Document any Outstanding National Resource Waters and any water(s) identified as impaired by a substance which either is an active ingredient or a degradation product of such an active ingredient.

5.1.3. Pest Management Options Evaluation

Decision-makers must document the evaluation of the pest management options, including combination of the pest management options, to control the target pest(s). Pest management options include the following: No action, prevention, mechanical/physical methods, cultural methods, biological control agents, and pesticides. In the evaluation, Decision-makers must consider the impact to water quality, impact to non-target organisms, feasibility, cost effectiveness, and any relevant previous Pest Management Measures.

5.1.4. Response Procedures

Decision-makers must document the following procedures in the PDMP:

- a. Spill Response Procedures – At a minimum, Decision-makers must have:
  - 1. Procedures for expeditiously stopping, containing, and cleaning up leaks, spills, and other releases to waters of the state. Employees who may cause, detect, or respond to a spill or leak must be trained in these procedures and have necessary spill response equipment available. If possible, one of these individuals should be a member of the PDMP team.
  - 2. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies.
- b. Adverse Incident Response Procedures – At a minimum, Decision-makers must have:
  - 1. Procedures for responding to any adverse incident resulting from pesticide applications;
  - 2. Procedures for notification of the adverse incident, both internal to the Decision-maker's agency/organization and external. Contact information for state/federal permitting agency, nearest emergency medical facility, and nearest hazardous chemical responder must be in locations that are readily accessible and available.

5.1.5. Documentation to Support Eligibility Considerations under Other Federal Laws

Decision-makers must keep, with the PDMP, documentation supporting their determination with regard to Part 1.1.2.4 (Endangered and Threatened Species and Critical Habitat Protection).

5.1.6. Signature Requirements

Decision-makers must sign, date and certify the PDMP in accordance with Appendix B, Subsection B.11.

## **5.2. Pesticide Discharge Management Plan Modifications**

Decision-makers must modify the PDMP whenever necessary to address any of the triggering conditions for corrective action in Part 6.1, or when a change in pest control activities significantly changes the type or quantity of pollutants discharged. Changes to the PDMP must be made before the next pesticide application that results in a discharge, if practicable, or if not, no later than 90 days after any change in pesticide application activities. The revised PDMP must be signed and dated in accordance with Appendix B, Subsection B.11.

## **5.3. Pesticide Discharge Management Plan Availability**

Decision-makers must retain a copy of the current PDMP, along with all supporting maps and documents, at the address provided in the NOI. The PDMP and all supporting documents must be readily available, upon request, and copies of any of these documents provided, upon request, to the division; a Federal, State or local agency governing discharges or pesticide applications within their respective jurisdictions; and representatives of the United States Fish and Wildlife Service (FWS). The division may provide copies of the PDMP or other information related to this permit that is in its possession to members of the public. Any Confidential Business Information (CBI), as defined in 40 CFR Part 2, may be withheld from the public provided that a claim of confidentiality is properly asserted and documented in accordance with 40 CFR Part 2; however, CBI must be submitted to the division, if requested, and may not be withheld from those staff within the division and FWS cleared for CBI review.

## **6. Corrective Action**

All Operators must comply with the provisions of Part 6 for any discharges authorized under this permit, with compliance required upon beginning such discharge.

### **6.1. Situations Requiring Revision of Pest Management Measures**

Operators must review and, as necessary, revise the evaluation and selection of Pest Management Measures consistent with Part 2.1 and 2.2 for the following situations:

- a. An unauthorized release or discharge associated with the application of pesticides (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs.
- c. Operators become aware, or the division concludes, that Pest Management Measures are not adequate/sufficient for the discharge to meet applicable water quality standards.
- d. Any monitoring activities indicate failure to meet applicable technology-based effluent limitations in Part 2.
- e. An inspection or evaluation of activities by an the division official, federal or local entity, reveals that modifications to the Pest Management Measures are necessary to meet the effluent limitations in this permit.
- f. Any Operator observes or is otherwise made aware of an adverse incident as defined in Appendix A.

## **6.2. Corrective Action Deadlines**

If an Operator determines that changes to Pest Management Measures are necessary to eliminate any situation identified in Part 6.1, such changes must be made before or, if not practicable, as soon as possible after the next pesticide application that results in a discharge.

## **6.3. Effect of Corrective Action**

The occurrence of a situation identified in Part 6.1 may constitute a violation of the permit. Correcting any situation identified in Part 6.1 does not absolve Operators of liability for any original violation. However, failure to comply with Part 6.2 constitutes an additional permit violation. The division will consider the appropriateness and promptness of corrective action in determining enforcement responses to permit violations.

The division may impose additional requirements and schedules of compliance, including requirements to submit additional information concerning the condition(s) triggering corrective action or schedules and requirements more stringent than specified in this permit. Those requirements and schedules will supersede those of Part 6.1 and 6.2 if such requirements conflict.

## **6.4. Adverse Incident Documentation and Reporting**

### **6.4.1. Twenty-Four (24)-Hour Adverse Incident Notification**

#### **6.4.1.1. Adverse Incident Notification Required**

Except as provided for in Part 6.4.4, if an Operator observes or is otherwise made aware of an adverse incident, as defined in Appendix A, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate Environmental Field Office, as identified in Part 8.2. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident and must include at least the following information:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. If covered under an NOI, the NPDES permit tracking number assigned by the division;
- d. The name and telephone number of a contact person, if different than the person providing the 24-hour notice;
- e. How and when the Operator became aware of the adverse incident;
- g. Description of the location of the adverse incident;
- h. Description of the adverse incident identified and the pesticide product, including the division pesticide registration number, for each product applied in the area of the adverse incident;
- i. Description of any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects; and
- j. If known, the identity of any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

If an Operator is unable to notify the division within 24 hours, the Operator must do so as soon as possible and also provide an appropriate rationale for why the Operator was unable to provide such notification within 24 hours.

The adverse incident notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

#### 6.4.1.2. Adverse Incident Notification Not Required

Reporting of adverse incidents is not required under this permit in the following situations:

- a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. An Operator has been notified by the division, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;
- c. An Operator receives information of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

#### 6.4.2. Thirty (30)-Day Adverse Incident Written Report

Except as provided for in Part 6.4.4, within 30 days of a reportable adverse incident pursuant to Part 6.4.1.1, Operators must provide a written report of the adverse incident to the appropriate Environmental Field Office at the address listed in Part 8 and to the state lead agency for pesticide regulation (see <http://npic.orst.edu/state1.htm>). The adverse incident report must include at least the following information:

- a. Information required to be provided in Part 6.4.1.1;
- b. Date and time the Operator contacted the division with notification of the adverse incident, who the Operator spoke with at the division, and any instructions received from the division;
- c. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc);
- d. A description of the circumstances of the adverse incident including species affected, estimated number of individual and approximate size of dead or distressed organisms;
- e. Magnitude and scope of the affected area (e.g., aquatic square area or total stream distance affected);
- f. Pesticide application rate; intended use site (e.g., on the bank, above waters, or directly to water); method of application; and the name of pesticide product and the division registration number;
- g. Description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied);
- h. If laboratory tests were performed, an indication of which test(s) were performed, and when; additionally, a summary of the test results must be provided within 5 days after they become available if not available at the time of submission of the 30-day report;



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

- i. Description of actions to be taken to prevent recurrence of adverse incidents; and
- j. Signature, date, and certification in accordance with Appendix B.

6.4.3. Adverse Incident to Threatened or Endangered Species or Critical Habitat

Notwithstanding any of the other adverse incident notification requirements of this section, if an Operator becomes aware of an adverse incident affecting a federally listed threatened or endangered species or its federally designated critical habitat which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify FWS in the case of a terrestrial or freshwater species. This notification must be made by telephone, to the contacts listed on the division's website at [www.epa.gov/npdes/pesticides](http://www.epa.gov/npdes/pesticides), immediately upon the Operator becoming aware of the adverse incident, and must include at least the following information:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. The name of the affected species;
- d. How and when the Operator became aware of the adverse incident;
- e. Description of the location of the adverse incident;
- f. Description of the adverse incident and the pesticide product, including the division pesticide registration number, for each product applied in the area of the adverse incident; and
- g. Description of any steps the Operator has taken or will take to alleviate the adverse impact to the species.

6.4.4. Notification and Reporting for Adverse Incidents Involving Multiple Operators

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

**6.5. Reportable Spills and Leaks**

6.5.1. Spill, Leak, or Other Unpermitted Discharge Notification

Where a leak, spill, or other release into waters of the state containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either [40 CFR Part 110](#), [40 CFR 117](#), or [40 CFR 302](#) occurs in any 24-hour period, an Operator must notify the National Response Center immediately at (800) 424-8802 and the Tennessee Emergency Management Agency (emergencies: 800-262-3300; non-emergencies: 800-262-3400) in accordance with the requirements of [40 CFR 117](#) or [40 CFR 302](#) as soon as the Operator has knowledge of the release. Contact information must be in locations that are readily accessible and available in the area where the spill, leak, or other unpermitted discharge may occur.

State or local requirements may necessitate also reporting spills or leaks to local emergency response, public health, or drinking water supply agencies.

**6.5.2. Thirty (30)-Day Spill, Leak, or Other Unpermitted Discharge Documentation**

If an Operator becomes aware of a spill, leak, or other unpermitted discharge which triggers the notification in Part 6.5.1 and results in an adverse incident, then the Operator must report the incident per the guidelines in Part 6.4.1 and 6.4.2. If the spill, leak, or other unpermitted discharge triggers the notification in Part 6.5.1, but does not result in an adverse incident, then the Operator must document and retain the following information within 30 days of becoming aware of the situation:

- a. Information required to be provided in Part 6.5.1;
- b. Summary of corrective action taken or to be taken including date initiated and date completed or expected to be completed; and
- c. Any measures to prevent recurrence of such a spill or leak or other discharge, including notice of whether PDMP modifications are required as a result of the spill or leak.

**6.6. Other Corrective Action Documentation**

For situations identified in Part 6.1, other than for adverse incidents (addressed in Part 6.4), or reportable spills or leaks (addressed in Part 6.5), Operators must document the situation triggering corrective action and planned corrective action within 30 days of becoming aware of that situation, and retain a copy of this documentation. This documentation must include the following information:

- a. Identification of the condition triggering the need for corrective action review, including any ambient water quality monitoring that assisted in determining that discharges did not meet water quality standards;
- b. Brief description of the situation;
- c. Date the problem was identified;
- d. Brief description of how the problem was identified, how the Operator learned of the situation, and date the Operator learned of the situation;
- e. Summary of corrective action taken or to be taken, including date initiated and date completed or expected to be completed; and
- f. Any measures to prevent reoccurrence of such an incident, including notice of whether PDMP modifications are required as a result of the incident.

**7. Recordkeeping and Annual Reporting**

The recordkeeping and annual reporting requirements vary depending on the type of Operator, and whether a Decision-maker is a small or large entity. Table 7-1 references applicable requirements for the range of Operators covered under this permit.

**Table 7-1: Applicable Recordkeeping and Annual Reporting Requirements for Different Types of Operators**

PGP Part	Requirement	Applicable Type of Operator
7.1	Recordkeeping	All Operators
7.2	Recordkeeping	All Operators who are For-Hire Applicators, as defined in Appendix A
7.3	Recordkeeping	Any Decision-maker required to submit an NOI and who is a small entity <sup>1</sup>
7.4	Recordkeeping	Any Decision-maker required to submit an NOI and who is a large entity <sup>2</sup>
7.5	Retention of Records	All Operators
7.6	Annual Reporting	Any Decision-maker required to submit an NOI and who is a large entity <sup>2</sup>

1) Small Entity – As defined in Appendix A, is any (1) public entity that serves a population of 10,000 or less or (2) private enterprise that does not exceed the Small Business Administration size standard as identified at: [www.sba.gov/contractingopportunities/officials/size/table/index.html](http://www.sba.gov/contractingopportunities/officials/size/table/index.html).

2) Large Entity - As defined in Appendix A, is any (1) public entity that serves a population greater than 10,000 or (2) private enterprise that exceeds the Small Business Administration size standard as identified at: [www.sba.gov/contractingopportunities/officials/size/table/index.html](http://www.sba.gov/contractingopportunities/officials/size/table/index.html).

Operators must keep written records as required in this permit for all discharges covered under this permit. These records must be accurate and complete to demonstrate the Operator's compliance with the conditions of this permit. Operators may rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided that all requirements of this permit are satisfied.

The division recommends that all Decision-makers, who are or may be required to submit an NOI based on their annual treatment area, keep records of acres or linear miles treated for all applicable use patterns covered under this general permit. The records should be kept up-to-date to help Decision-makers determine if the annual treatment area threshold, as identified in Part 1.2.2, is met during any calendar year.

## **7.1. Recordkeeping For All Operators**

All Operators must keep the following records:

- a. A copy of any Adverse Incident Reports (See Part 6.4.2);
- b. Rationale for any determination that reporting of an identified adverse incident is not required, consistent with allowances identified in Part 6.4.1.2;
- c. A copy of any corrective action documentation (See Part 6.6); and,
- d. A copy of any spill and leak or other unpermitted discharge documentation (See Part. 6.5.2)

## **7.2. Recordkeeping for All Operators who are For-Hire Applicators**

Beginning September 1, 2012, any Operator who is a For-Hire Applicator, as defined in Appendix A, must retain the following records:

- a. Documentation of equipment calibration; and
- b. Information on each treatment area to which pesticides are discharged, including:
  - 1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters, either by name or by location, to which pesticide(s) are discharged;
  - 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
  - 3. Target pest(s);
  - 4. Name of each pesticide product used including the division registration number;
  - 5. Quantity of each pesticide product applied to each treatment area;
  - 6. Pesticide application date(s); and
  - 7. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

## **7.3. Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Small Entity**

Beginning September 1, 2012, any Decision-maker required to submit an NOI that is defined as a small entity, must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to the division, any correspondence exchanged between the Decision-maker and the division specific to coverage under this permit, and a copy of the division acknowledgment letter with the assigned permit tracking number;
- b. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- c. Information on each treatment area to which pesticides are discharged, including:
  - 1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the state, either by name or by location, to which pesticide(s) are discharged;
  - 2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
  - 3. Target pest(s) and explanation of need for pest control;
  - 4. Description of pest management measure(s) implemented prior to the first pesticide application;
  - 5. Company name and contact information for pesticide applicator;
  - 6. Name of each pesticide product used including the division registration number;
  - 7. Quantity of each pesticide product applied to each treatment area;
  - 8. Pesticide Application Start Date;
  - 9. Pesticide Application End Date; and
  - 10. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

A worksheet for documenting this information on each treatment area is provided in Appendix F, Pesticide Discharge Evaluation Worksheet.

#### **7.4. Recordkeeping for Any Decision-maker Required to Submit an NOI and Who is a Large Entity**

Beginning September 1, 2012, any Decision-maker required to submit an NOI that is defined as a large entity must retain the following records at the address provided on the NOI:

- a. Copy of the NOI submitted to the division, any correspondence exchanged between the Decision-maker and the division specific to coverage under this permit, and a copy of the division acknowledgment letter with the assigned permit tracking number;
- b. A copy of the PDMP, including any modifications made to the PDMP during the term of this permit;
- c. Copy of annual reports submitted to the division;
- d. Documentation of equipment calibration (only if Decision-maker is also the Applicator);
- e. Information on each treatment area to which pesticides are discharged, including:
  1. Description of each treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the state, either by name or by location, to which pesticide(s) are discharged;
  2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy);
  3. Target pest(s) and explanation of need for pest control;
  4. Action Thresholds;
  5. Method and/or data used to determine that action threshold(s) has been met;
  6. Description of pest management measure(s) implemented prior to the first pesticide application;
  7. Company name and contact information for pesticide applicator;
  8. Name of each pesticide product used including the division registration number;
  9. Quantity of each pesticide product applied to each treatment area;
  10. Pesticide application date(s); and
  11. Whether or not visual monitoring was conducted during pesticide application and/or post-application and if not, why not and whether monitoring identified any possible or observable adverse incidents caused by application of pesticides.

#### **7.5. Retention of Records for All Operators**

All required records must be documented as soon as possible but no later than 14 days following completion of each pesticide application. Operators must retain any records required under this permit for at least 3 years after the Operator's coverage under this permit expires or is terminated. Operators must make available to the division, including an authorized representative of the division, all records kept under this permit upon request and provide copies of such records, upon request.

**7.6. Annual Reporting for Any Decision-maker Required to Submit an NOI and Who is a Large Entity**

Any Decision-maker required to submit an NOI and is defined as a large entity in Appendix A, must submit an annual report to the division. Once a Decision-maker meets the obligation to submit an annual report, the Decision-maker must submit the annual report each calendar year thereafter for the duration of coverage under this general permit, whether or not the Decision-maker has discharges from the application of pesticides in any subsequent calendar year. Decision-makers must submit the annual report to the local Environmental Field Office as identified in Part 8.2 no later than February 15 of the following calendar year for all pesticide activities covered under this permit occurring during the previous calendar year. Annual reporting requirements begin with those discharges occurring during calendar year 2012.

Any decision-maker required to submit an NOI based on an annual treatment area threshold must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Decision-maker exceeded the annual treatment area threshold. If the Decision-maker first exceeds an annual treatment area threshold after December 1, an annual report is not required for that first partial year but an annual report is required thereafter, with the first annual report submitted also including information from the first partial year.

When Decision-makers terminate permit coverage, as specified in Part 1.2.5, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the next calendar year.

The annual report must contain the following information:

- a. Decision-maker's name and contact information;
- b. NPDES permit tracking number(s);
- c. Contact person name, title, e-mail address (if any), and phone number; and
- d. For each treatment area, report the following information:
  1. Description of treatment area, including location and size (acres or linear feet) of treatment area and identification of any waters of the state, either by name or by location, to which pesticide(s) are discharged;
  2. Pesticide use pattern(s) (i.e., mosquito and other flying insects, weed and algae, animal pest, or forest canopy) and target pest(s);
  3. Company name(s) and contact information for pesticide applicator(s), if different from the Decision-maker;
  4. Total amount of each pesticide product applied for the reporting year by the division registration number(s) and by application method (e.g., aerially by fixed-wing or rotary aircraft, broadcast spray, etc.);
  5. Whether this pest control activity was addressed in the PDMP prior to pesticide application;
  6. If applicable, an annual report of any adverse incidents as a result of these treatment(s), for incidents, as described in Part 6.4.1; and
  7. If applicable, description of any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s).

## 8. TDEC Contact Information and Mailing Addresses

Decision-makers must submit any Notice of Intent, Notice of Termination, and annual report, as appropriate, consistent with the requirements identified on the Notice of Intent form in Appendix D, the Notice of Termination form in Appendix E, or the annual report form in Appendix G to the appropriate Environmental Field Office (see Part 8.2).

Within 30 days of becoming aware of an adverse incident, Operators must send all incident reports under Part 6.4 to the appropriate Environmental Field Office (see Part 8.2).

All other written correspondence concerning discharges covered under this permit and directed to the division, including individual permit applications, must be sent to the address of the appropriate Environmental Field Office listed below in Part 8.2.

Note: If the division notifies Operators (either directly, by public notice, or by making information available on the Internet) of other reporting options that become available at a later date (e.g., electronic submission), Operators may take advantage of those options, in accordance with the instructions provided by the division, to satisfy the reporting requirements of this permit. A complete scanned copy of any form in the PDF format can also be submitted to e-mail address: [WPC.Permits@tn.gov](mailto:WPC.Permits@tn.gov).

### 8.1. The Division's Nashville Central Office Address

Division of Water Pollution Control  
Attn: Permit Section  
6th Floor, L & C Annex  
401 Church Street, Nashville, TN 37243

### 8.2. List of the TDEC Environmental Field Offices (EFOs) and Corresponding Counties

<u>EFO Name</u>	List of Counties
<a href="#"><u>Chattanooga</u></a>	Bledsoe, Bradley, Grundy, Hamilton, Marion, McMinn, Meigs, Polk, Rhea, Sequatchie
<a href="#"><u>Columbia</u></a>	Bedford, Coffee, Franklin, Giles, Hickman, Lawrence, Lewis, Lincoln, Marshall, Maury, Moore, Perry, Wayne
<a href="#"><u>Cookeville</u></a>	Cannon, Clay, Cumberland, De Kalb, Fentress, Jackson, Macon, Overton, Pickett, Putnam, Smith, Van Buren, Warren, White
<a href="#"><u>Jackson</u></a>	Benton, Carroll, Chester, Crockett, Decatur, Dyer, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Lake, Lauderdale, Madison, McNairy, Obion, Weakley
<a href="#"><u>Johnson City</u></a>	Carter, Greene, Hancock, Hawkins, Johnson, Sullivan, Unicoi, Washington
<a href="#"><u>Knoxville</u></a>	Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Knox, Loudon, Monroe, Morgan, Roane, Scott, Sevier, Union
<a href="#"><u>Memphis</u></a>	Fayette, Shelby, Tipton
<a href="#"><u>Nashville</u></a>	Cheatham, Davidson, Dickson, Houston, Humphreys, Montgomery, Robertson, Rutherford, Stewart, Sumner, Trousdale, Williamson, Wilson

TDEC may be reached by telephone at the toll-free number 1-888-891-8332 (TDEC). Local EFOs may be reached directly when calling this number from the construction site, using a land line.

Appendix A    Definitions, Abbreviations, and Acronyms

A.1    Definitions

**Action Threshold** – the point at which pest populations or environmental conditions necessitate that pest control action be taken based on economic, human health, aesthetic, or other effects. An action threshold may be based on current and/or past environmental factors that are or have been demonstrated to be conducive to pest emergence and/or growth, as well as past and/or current pest presence. Action thresholds are those conditions that indicate both the need for control actions and the proper timing of such actions.

**Active Ingredient** – any substance (or group of structurally similar substances if specified by the Agency) that will prevent, destroy, repel or mitigate any pest, or that functions as a plant regulator, desiccant, or defoliant within the meaning of FIFRA sec. 2(a). [40 CFR 152.3] Active ingredient also means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for the production of such a pesticidal substance. [40 CFR 174.3]

**Adverse Incident** – means an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise become aware, in which:

- (1) There is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and
- (2) The person or non-target organism suffered a toxic or adverse effect.

The phrase toxic or adverse effects includes effects that occur within waters of the state on non-target plants, fish or wildlife that are unusual or unexpected (e.g., effects are to organisms not otherwise described on the pesticide product label or otherwise not expected to be present) as a result of exposure to a pesticide residue, and may include:

- Distressed or dead juvenile and small fishes
- Washed up or floating fish
- Fish swimming abnormally or erratically
- Fish lying lethargically at water surface or in shallow water
- Fish that are listless or nonresponsive to disturbance
- Stunting, wilting, or desiccation of non-target submerged or emergent aquatic plants
- Other dead or visibly distressed non-target aquatic organisms (amphibians, turtles, invertebrates, etc.)

The phrase, toxic or adverse effects, also includes any adverse effects to humans (e.g., skin rashes) or domesticated animals that occur either from direct contact with or as a secondary effect from a discharge (e.g., sickness from consumption of plants or animals containing pesticides) to waters of the state that are temporally and spatially related to exposure to a pesticide residue (e.g., vomiting, lethargy).



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

**Annual Treatment Area Threshold** – an area (in acres) or linear distance (in miles) in a calendar year to which a Decision-maker is authorizing and/or performing pesticide applications in that area for activities covered under this permit.

For calculating annual treatment areas for Mosquitoes and Other Flying Insect Pest Control and Forest Canopy Pest for comparing with any threshold in Table 1-1, count each pesticide application activity to a treatment area (i.e., that area where a pesticide application is intended to provide pesticidal benefits within the pest management area) as a separate area treated. For example, applying pesticides three times a year to the same 3,000 acre site should be counted as 9,000 acres of treatment area for purposes of determining if such an application exceeds an annual treatment area threshold. The treatment area for these two pesticide use patterns is additive over the calendar year.

For calculating annual treatment areas for Weed and Algae Control and Animal Pest Control for comparing with any threshold in Table 1-1, calculations should include either the linear extent of or the surface area of waters for applications made to waters of the state or at water's edge adjacent to waters of the state. For calculating the annual treatment area, count each treatment area only once, regardless of the number of pesticide application activities performed on that area in a given year. Also, for linear features (e.g., a canal or ditch), use the length of the linear feature whether treating in or adjacent to the feature, regardless of the number of applications made to that feature during the calendar year. For example, whether treating the bank on one side of a ten-mile long ditch, banks on both sides of the ditch, and/or water in that ditch, the total treatment area is ten miles for purposes of determining if an NOI is required to be submitted. Additionally, if the same 10 miles area is treated more than once in a calendar year, the total area treated is still 10 miles for purposes of comparing with any threshold in Table 1-1. The treatment area for these two pesticide use patterns is not additive over the calendar year.

**Applicator** – any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities) that results in a discharge to waters of the state.

**Biological Control Agents** – these agents are organisms that can be introduced to Operator sites, such as herbivores, predators, parasites, and hyperparasites. [Source: US FWS IPM Guidance, 2004]

**Biological Pesticides** (also called biopesticides) – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP). Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that (1) is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi; (2) is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria; or (3) is a parasitically replicating microscopic element, including but not limited to, viruses. [40 CFR 158.2100(b)] Biochemical pesticide mean a pesticide that (1) is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance; (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and (3) Has a non-toxic mode of action to the target pest(s). [40 CFR 158.2000(a)(1)] Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR 174.3]

**Chemical Pesticides** – all pesticides not otherwise classified as biological pesticides.

**Cultural Methods** – manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

**Decision-maker** – any entity with control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the state.

**Decision-maker Who is or Will be Required to Submit an NOI** – any Decision-maker covered under the PGP who knows or should have known that an NOI will be required for those discharges beginning September 1, 2012. Excluded from this definition are those activities for which an NOI is required based solely on that Decision-Maker exceeding an annual treatment area threshold.

**Declared Pest Emergency Situation** – an event defined by a public declaration by a federal agency, state, or local government of a pest problem determined to require control through application of a pesticide beginning less than ten days after identification of the need for pest control. This public declaration may be based on:

- (1) Significant risk to human health;
- (2) Significant economic loss; or
- (3) Significant risk to:
  - (i) Endangered species,
  - (ii) Threatened species,
  - (iii) Beneficial organisms, or
  - (iv) The environment.

**Director** – means the director, or authorized representative, of the Division of Water Pollution Control of the State of Tennessee, Department of Environment and Conservation.

**Discharge** – when used without qualification, means the "discharge of a pollutant." [40 CFR 122.2]

**Discharge of a pollutant** – any addition of any "pollutant" or combination of pollutants to "waters of the state" from any "point source," or any addition of any pollutant or combination of pollutants to the water of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. This includes additions of pollutants into waters of the state from: surface runoff that is collected or channeled by man; discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. [Excerpted from 40 CFR 122.2]

**Facility or Activity** – any NPDES "point source" (including land or appurtenances thereto) that is subject to regulation under the NPDES program. [40 CFR 122.2]

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

**Federal Facility** – any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned, operated, or leased by, or constructed or manufactured for the purpose of leasing to, the federal government.

**For-Hire Applicator** – includes persons who make contractual pesticide applications for which they or their employer receives compensation (e.g., lawn care firms, pest control companies).

**Impaired Water** (or “Unavailable Conditions Water” or “Water Quality Impaired Water” or “Water Quality Limited Segment”) – means any segment of surface waters that has been identified by the division as failing to support one or more classified uses. For the purpose of this permit, pollutants of concern include, but are not limited to: pesticides and/or products of pesticide degradation. Based on the most recent assessment information available to staff, the division will notify applicants and permittees if their discharge is into, or is affecting, impaired waters. Resources to be used in making this determination include biennial compilations of impaired waters, databases of assessment information, updated [GIS](http://tnmap.tn.gov/wpc/) coverages (<http://tnmap.tn.gov/wpc/>), and the results of recent field surveys. [GIS](http://tnmap.tn.gov/wpc/) coverages of the streams and lakes not meeting water quality standards, plus the biennial list of impaired waters, can be found at <http://tn.gov/environment/wpc>.

**Inert Ingredient** – any substance (or group of structurally similar substances if designated by the Agency), other than an active ingredient, that is intentionally included in a pesticide product,. [40 CFR 152.3] Inert ingredient also means any substance, such as a selectable marker, other than the active ingredient, where the substance is used to confirm or ensure the presence of the active ingredient, and includes the genetic material necessary for the production of the substance, provided that genetic material is intentionally introduced into a living plant in addition to the active ingredient. [40 CFR 174.3]

**Large Entity** - any entity that is not a “small entity.”

**Mechanical/Physical Methods** - mechanical tools or physical alterations of the environment, for pest prevention or removal.

**Minimize** – to reduce and/or eliminate pesticide discharges to waters of the state through the use of Pest Management Measures to the extent technologically available and economically practicable and achievable.

**Non-target Organisms** – includes the plant and animal hosts of the target species, the natural enemies of the target species living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

**Operator** – for the purpose of this permit, means any entity associated with the application of pesticides which results in a discharge to waters of the state that meets either of the following two criteria:

- (i) any entity who performs the application of a pesticide or who has day-to-day control of the application (i.e., they are authorized to direct workers to carry out those activities); or
- (ii) any entity with control over the decision to perform pesticide applications including the ability to modify those decisions.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

**Person** – an individual, association, partnership, corporation, municipality, State or Federal agency, or an agent or employee thereof.

**Pest** – Consistent with 40 CFR 152.5, any organism under circumstances that make it deleterious to man or the environment, if it is:

- (b) Any vertebrate animal other than man;
- (b) Any invertebrate animal, including but not limited to, any insect, other arthropod, nematode, or mollusk such as a slug and snail, but excluding any internal parasite of living man or other living animals;
- (c) Any plant growing where not wanted, including any moss, alga, liverwort, or other plant of any higher order, and any plant part such as a root; or
- (d) Any fungus, bacterium, virus, or other microorganism, except for those on or in living man or other living animals and those on or in processed food or processed animal feed, beverages, drugs (as defined in FFDCA sec. 201(g)(1)) and cosmetics (as defined in FFDCA sec. 201(i)).

**Pest Management Area** – The area of land, including any water, for which an Operator has responsibility and is authorized to conduct pest management activities as covered by this permit (e.g., for an Operator who is a mosquito control district, the pest management area is the total area of the district).

**Pest Management Measure** – any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards and recommended industry practices related to the application of pesticides, relevant legal requirements and other provisions that a prudent Operator would implement to reduce and/or eliminate pesticide discharges to waters of the state.

**Pesticide** – means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and (3) any nitrogen stabilizer, except that the term “pesticide” shall not include any article that is a “new animal drug” within the meaning of section 201(w) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(w)), that has been determined by the Secretary of Health and Human Services not to be a new animal drug by a regulation establishing conditions of use for the article, or that is an animal feed within the meaning of section 201(x) of such Act (21 U.S.C. 321(x)) bearing or containing a new animal drug. The term “pesticide” does not include liquid chemical sterilant products (including any sterilant or subordinate disinfectant claims on such products) for use on a critical or semi-critical device, as defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). For purposes of the preceding sentence, the term “critical device” includes any device that introduced directly into the human body, either into or in contact with the bloodstream or normally sterile areas of the body and the term “semi-critical device” includes any device that contacts intact mucous membranes but which does not ordinarily penetrate the blood barrier or otherwise enter normally sterile areas of the body [FIFRA Section 2(u)].

The term “pesticide” applies to insecticides, herbicides, fungicides, rodenticides, and various other substances used to control pests. The definition encompasses all uses of pesticides authorized under FIFRA including uses authorized under sections 3 (registration), 5 (experimental use permits), 18 (emergency exemptions), 24(c) (special local needs registrations), and 25(b) (exemptions from FIFRA).

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

Note: drugs used to control diseases of humans or animals (such as livestock, fishstock and pets) are not considered pesticides; such drugs are regulated by the Food and Drug Administration. Fertilizers, nutrients, and other substances used to promote plant survival and health are not considered plant growth regulators and thus are not pesticides. Biological control agents, except for certain microorganisms, are exempted from regulation under FIFRA. (Biological control agents include beneficial predators such as birds or ladybugs that eat insect pests, parasitic wasps, fish, etc).

This permit uses the term “pesticide” when referring to the “pesticide, as applied.” When referring to the chemical in the pesticide product with pesticidal qualities, the permit uses the term “active ingredient.”

**Pesticide Product** – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

**Pesticide Research and Development** – Activities undertaken on a systematic basis to gain new knowledge (research) and/or the application of research findings or other scientific knowledge for the creation of new or significantly improved products or processes (experimental development).

**Pesticide Residue** – includes that portion of a pesticide application that is discharged from a point source to waters of the US and no longer provides pesticidal benefits. It also includes any degradation products of the pesticide.

**Point source** – means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include introduction of pollutants from non point-source agricultural and silvicultural activities, including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands or return flows from irrigated agriculture or agricultural stormwater runoff

**Pollutant** – dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water. For purposes of this definition, a “biological pesticide” is considered a “biological material,” and any “pesticide residue” resulting from use of a “chemical pesticide” is considered a “chemical waste.” [Excerpted from 40 CFR 122.2]

**Small Entity** - any (1) private enterprise that does not exceed the Small Business Administration size standard as identified at 13 CFR 121.201, or (2) local government that serves a population of 10,000 or less.

**Target Pest** – the organism(s) toward which pest management measures are being directed.  
**Outstanding National Resource Waters** – for antidegradation purposes, pursuant to 40 CFR 131.12(a)(3), Outstanding National Resource Waters are identified by States or Tribes as having high quality waters constituting an Outstanding National Resource Water (ONRW), which may

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

include waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

**Total maximum daily load (TMDL)** - The sum of the individual wasteload allocations for point sources and load allocations for nonpoint sources and natural background ([40 CFR 130.2\(f\)](#)). TMDL is a study that: quantifies the amount of a pollutant in a stream, identifies the sources of the pollutant, and recommends regulatory or other actions that may need to be taken in order for the stream to cease being polluted. Some of the actions that might be taken are:

- 1.) Re-allocation of limits on the sources of pollutants documented as impacting streams. It might be necessary to lower the amount of pollutants being discharged under NPDES permits or to require the installation of other control measures, if necessary, to ensure that water quality standards will be met.
- 2.) For sources over which the division does not have regulatory authority, such as ordinary agricultural or forestry activities, provide information and technical assistance to other state and federal agencies that work directly with these groups to install appropriate Best Management Practices (BMPs).

Even for impacted streams, TMDL development is not considered appropriate for all bodies of water: if enforcement has already been taken and a compliance schedule has been developed; or if best management practices have already been installed for non-regulated activities, the TMDL is considered not applicable. In cases involving pollution sources in other states, the recommendation may be that another state or EPA perform the TMDL. TMDLs can also be described by the following equation:

$$\text{TMDL} = \text{sum of non point sources (LA)} + \text{sum of point sources (WLA)} + \text{margin of safety}$$

A list of completed TMDLs that have been approved by EPA can be found at our web site: <http://tn.gov/environment/wpc/tmdl/approved.shtml>

**Treatment Area** – the entire area, whether over land or water, where a pesticide application is intended to provide pesticidal benefits within the pest management area. In some instances, the treatment area will be larger than the area where pesticides are actually applied. For example, the treatment area for a stationary drip treatment into a canal includes the entire width and length of the canal over which the pesticide is intended to control weeds. Similarly, the treatment area for a lake or marine area is the water surface area where the application is intended to provide pesticidal benefits.

**Waters of the State** – means any and all water, public or private, on or beneath the surface of the ground, which are contained within, flow through, or border upon Tennessee or any portion thereof except those bodies of water confined to and retained within the limits of private property in single ownership which do not combine or effect a junction with natural surface or underground waters.

**Water Quality Impaired** – See ‘Impaired Water’.

**Water Quality Standards** – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures.

**Wetlands** – means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

A.2 Abbreviations and Acronyms

CERCLA - Comprehensive Environmental Response, Compensation and Liability Act  
CWA - Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 et seq)  
EPA - U. S. Environmental Protection Agency  
ESA - Endangered Species Act  
FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act, 7 USC 136 et seq.  
FWS - U. S. Fish and Wildlife Service  
IPM - Integrated Pest Management  
NEPA - National Environmental Policy Act  
NOI - Notice of Intent  
NOT - Notice of Termination  
NPDES - National Pollutant Discharge Elimination System  
NRC - National Response Center  
ONRW - Outstanding National Resource Water  
PDMP - Pesticide Discharge Management Plan  
SARA - Superfund Amendments and Reauthorization Act  
TMDL - Total Maximum Daily Load  
U.S.C. - United States Code  
WQS - Water Quality Standard



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

Appendix B     Standard Permit Conditions

Standard permit conditions in Appendix B generally are consistent with the permit provisions required in 40 CFR 122.41 but are modified to reflect the nature of discharges covered under this general permit.

B.1     Duty to Comply

Operators must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Tennessee Water Quality Control Act (TWQCA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B.1.1   Penalties for Violations of Permit Conditions

Pursuant to T.C.A. § 69-3-115 of The Tennessee Water Quality Control Act of 1977, as amended:

- a) any person who violates an effluent standard or limitation or a water quality standard established under this part (T.C.A. § 69-3-101, et. seq.); violates the terms or conditions of this permit; fails to complete a filing requirement; fails to allow or perform an entry, inspection, monitoring or reporting requirement; violates a final determination or order of the board, panel or commissioner; or violates any other provision of this part or any rule or regulation promulgated by the board, is subject to a civil penalty of up to ten thousand dollars (\$10,000) per day for each day during which the act or omission continues or occurs;
- b) any person unlawfully polluting the waters of the state or violating or failing, neglecting, or refusing to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class C misdemeanor. Each day upon which such violation occurs constitutes a separate offense;
- c) any person who willfully and knowingly falsifies any records, information, plans, specifications, or other data required by the board or the commissioner, or who willfully and knowingly pollutes the waters of the state, or willfully fails, neglects or refuses to comply with any of the provisions of this part (T.C.A. § 69-3-101, et. seq.) commits a Class E felony and shall be punished by a fine of not more than twenty-five thousand dollars (\$25,000) or incarceration, or both.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

B.1.2 Civil and criminal liability

Nothing in this permit shall be construed to relieve the discharger from civil or criminal penalties for noncompliance. Notwithstanding this permit, the discharger shall remain liable for any damages sustained by the State of Tennessee, including but not limited to fish kills and losses of aquatic life and/or wildlife, as a result of the discharge to any surface or subsurface waters. Additionally, notwithstanding this permit, it shall be the responsibility of the discharger to conduct stormwater discharge activities in a manner such that public or private nuisances or health hazards will not be created. Furthermore, nothing in this permit shall be construed to preclude the State of Tennessee from any legal action or relieve the discharger from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or the Federal Water Pollution Control Act.

B.1.3 Liability under state law

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable local, state or federal law.

B.2 Duty to Reapply

Except as otherwise provided for in Part 1.2.4 of the permit, if an Operator wishes to continue an activity regulated by this permit after the expiration date of this permit, the Operator must apply for and obtain authorization as required by the new permit once the division issues it.

B.3 Need to Halt or Reduce Activity Not a Defense

It will not be a defense for an Operator in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of this permit.

B.4 Duty to Mitigate

Operators must take all reasonable steps to minimize or prevent any discharge in violation of this permit, which has a reasonable likelihood of adversely affecting human health or the environment.

B.5 Proper Operation and Maintenance

Operators must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which the Operators installs or uses to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which the Operator installs only when the operation is necessary to achieve compliance with the conditions of this permit.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

B.6 Permit Actions

This permit may be issued, modified, revoked, reissued or terminated for cause in accordance with this permit and the applicable requirements of T.C.A. § 69-3-108. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B.7 Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. The issuance of this permit does not authorize trespassing or discharges of stormwater or non-stormwater across private property.

B.8 Duty to Provide Information

Operators must furnish to the division or an authorized representative (including an authorized contractor acting as a representative of the division), within a reasonable time, any information that the division may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Operators must also furnish to the division or an authorized representative upon request, copies of records required to be kept by this permit.

B.9 Inspection and Entry

Operators must allow the division, or an authorized representative (including an authorized contractor acting as a representative of the division), upon presentation of credentials and other documents as may be required by law, to do the following:

- i. Enter upon an Operator's premises where a regulated activity is located or conducted, or where records must be kept under the conditions of this permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- iii. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- iv. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the CWA, any substances or parameters at any location.

B.10 Monitoring and Records

A. Operators must retain records of all reports required by this permit, and records of all data used to complete the NOI for this permit, for a period of at least 3 years from the date the permit

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

expires or the date the Operator's authorization is terminated. That period may be extended by request of the division at any time.

[As written, this permit does not require Operators to perform the type of sample collection and monitoring described in the following sections of this appendix, B.10.B through B.10.F.

However, where the division requires any monitoring, consistent with Part 1.2.3 of the Permit, the sample collection and monitoring requirements in B.10.B through B.10.F of this appendix apply to those Operators that collect samples.]

B. Samples and measurements taken for the purpose of monitoring must be representative of the volume and nature of the monitored activity.

C. Operators must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, for a period of at least 3 years from the date the permit expires or the date the Operator's authorization is terminated. This period may be extended by request of the division at any time.

D. Records of monitoring information must include the following:

1. The date, exact place, and time of sampling or measurements;
2. The individual(s) who performed the sampling or measurements;
3. The date(s) analyses were performed
4. The individual(s) who performed the analyses;
5. The analytical techniques or methods used; and
6. The results of such analyses

E. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in the permit.

F. The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit will, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

#### B.11 Signatory Requirements

A. All applications, including NOIs, must be signed as follows:

1. For a corporation: By a responsible corporate officer. For the purpose of this subsection, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this subsection, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of the division).

B. Any Pesticide Discharge Management Plan (PDMP), including changes to the PDMP to document any corrective actions taken as required by Part 6, and all reports submitted to the division, must be signed by a person described in Appendix B, Subsection B.11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if the following are true:

1. The authorization is made in writing by a person described in Appendix B, Subsection B.11.A;

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated activity such as the position of superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and

3. The signed and dated written authorization is included in the PDMP. A copy must be submitted to the division, if requested.

C. All other changes to the PDMP, and other compliance documentation required under this permit, must be signed and dated by the person preparing the change or documentation.

D. Changes to Authorization. If an authorization under Appendix B, Subsection B.11.A is no longer accurate because the application activities have been purchased by a different entity, a new NOI satisfying the requirements of Subsection B.11.A must be submitted to the division. However, if the only change that is occurring is a change in contact information or a change in the Operator's address, the Operator need only make a modification to the existing NOI submitted for authorization.

E. Any person signing documents in accordance with Appendix B, Subsections B.11.A or B.11.B above must include the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information contained therein. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. A false statement is subject to the penalties of perjury."

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

F. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance will, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

**B.12 Reporting Requirements**

A. Anticipated noncompliance. Operators must give advance notice to the division of any planned changes in the permitted activity which may result in noncompliance with permit requirements.

B. Transfers. This permit is not transferable to any person except after notice to the division. Where an Operator wants to transfer coverage under the permit to a new Operator, the original Operator (i.e., the first Operator) must submit a Notice of Termination pursuant to Part 1.2.5. The new Operator must submit a NOI in accordance with Part 1.2. See also requirements in Appendix B, Subsections B.11.B and B.11.D.

C. Pesticide Monitoring Reports. This permit does not require Operators to report monitoring results routinely; however, the division may, pursuant to Part 1.2.3, require certain Operators to monitor and report such results. In such instances, provisions of B.12.C apply.

1. Monitoring data must be submitted to the division at the appropriate Regional address identified in Part 9.2.

2. If an Operator monitors any pollutant more frequently than required using test procedures approved under 40 CFR Part 136 or as otherwise specified by the division, the results of this monitoring must be included in reporting of monitoring data submitted to the division.

3. Calculations for all limitations that require averaging of measurements must use an arithmetic mean unless otherwise specified by the division.

D. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.

**E. Twenty-four hour reporting.**

1. In addition to adverse incident and spill reporting requirements in Parts 6.4 and 6.5, respectively, Operators must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time the Operator becomes aware of the circumstances. A written submission must also be provided within 5 days of the time the Operator becomes aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

2. For purposes of this permit, Operators must submit a 24-hour report under this section for any upset, as defined in Appendix B, Subsection B.13, which exceeds any effluent limitation in the permit.

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

3. The division may waive the written report on a case-by-case basis for reports under Appendix B, Subsection B.12.E.2 if the oral report has been received within 24 hours.

F. Other noncompliance. Operators must report all instances of noncompliance not reported under Appendix B, Subsections 12.A, 12.D, and 12.E, at the time any applicable annual or monitoring reports are submitted. The reports must contain the information listed in Appendix B, Subsection 12.E.1.

G. Other information. Where an Operator becomes aware of its failure to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, the Operator must promptly submit such facts or information.

#### B.13 Upset

A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the Operator's reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. See 40 CFR 122.41(n)(1).

B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Appendix B, Subsection B.13.C are met. Any determination made during administrative review of claims that noncompliance was caused by an upset, and before an action for noncompliance, is not final administrative action subject to judicial review. See 40 CFR 122.41(n)(2).

C. Conditions necessary for a demonstration of upset. See 40 CFR 122.41(n)(3). An Operator who wishes to establish the affirmative defense for an upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that

1. An upset occurred and that the Operator can identify the cause(s) of the upset;
2. The permitted activity was at the time being properly operated; and

3. The Operator submitted notice of the upset as required in Appendix B, Subsection B.12.E.2 (24 hour notice).

4. The Operator complied with any remedial measures required under Appendix B, Subsection B.4.

D. Burden of proof. In any enforcement proceeding, the Operator, as the one seeking to establish the occurrence of an upset, has the burden of proof. See 40 CFR 122.41(n)(4).

Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

Appendix C    Reserved



Tennessee General Permit No. TNP100000  
Discharges Associated with Pesticide Applications

Appendix D. Notice of Intent Form



**Tennessee Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**6th Floor Annex, L&C Tower, 401 Church Street, Nashville, Tennessee 37243**  
**1-888-891-8332 (TDEC)**

**Notice of Intent (NOI) of Coverage Under the Pesticide General Permit (PGP)**

Submission of this completed NOI constitutes notice that the Operator identified in Section B intends to be authorized to discharge pollutants to waters of the state within the pest management area identified in Section C of the Pesticide General Permit (PGP). Submission of this NOI constitutes notice that the party identified in Section B of this form has read, understands, and meets the eligibility conditions of Part 1 of the permit; agrees to comply with all applicable terms and conditions of the permit; and understands that continued authorization under the permit is contingent on maintaining eligibility for coverage. To be granted coverage, all information required on this form must be completed. Please read and make sure you comply with all permit requirements, including the requirement for large entities to prepare a Pesticide Discharge Management Plan (PDMP) prior to NOI submittal. Refer to the instructions at the end of this form to complete your NOI.

**A. Notice of Intent Status**

1. Mark whether this is the first time you are requesting coverage under the PGP or if this is a change of information for a discharge already covered under the PGP. If this is a change of information, supply the NPDES permit tracking number for the discharge.

a. ☐ Original NOI Submission

b. ☐ NOI Change of Information:           **TNP**           (NPDES Permit Tracking Number)

Please note: When selecting A.1.b please fill out Section B (Operator Name and Mailing Address) and the fields of the NOI that need to be modified.

**B. Operator Information**

1. Operator Name: \_\_\_\_\_

2. Operator Type (check one):

a. ☐ Federal government

b. ☐ State government

c. ☐ Local government

d. ☐ Mosquito control district (or similar)

e. ☐ Irrigation control district (or similar)

f. ☐ Weed control district (or similar)

g. ☐ Other: If other, provide brief description of type of operator: \_\_\_\_\_

3. Are you a large entity as defined in Appendix A of the permit? (check one):

☐ Yes    ☐ No

Please note: If you answer "Yes" to this question you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit an Annual Report reflecting all pesticide uses for which you are requesting permit coverage under this NOI.

4. Mailing Address:

a. Street: \_\_\_\_\_

b. City: \_\_\_\_\_

c. State:

d. ZIP Code: \_\_\_\_\_

e. Telephone: \_\_\_\_\_

f. Fax: \_\_\_\_\_

g. Contact Name: \_\_\_\_\_

h. E-mail: \_\_\_\_\_

C. Pest Management Areas: Complete Section C for each Pest Management Area for which coverage under Pesticide General Permit is desired.

Pest Management Area #\_\_\_ of ##\_\_\_

1. Pest Management Area Name: \_\_\_\_\_

Provide a map of the location of the Pest Management Area (attach map) or describe the location of the Pest Management Area in detail.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Are any of your activities (in this pest management area) for which you are requesting coverage under this NOI occurring on areas considered "federal facilities" as defined by the permit? ☐ Yes ☐ No

3. Mailing address and contact information of the pesticide applicator (or check here ☐ if same as provided in Section B):

a. Street: \_\_\_\_\_

b. City: \_\_\_\_\_

c. State: 

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d. ZIP Code: \_\_\_\_\_

e. Telephone: \_\_\_\_\_

f. Fax: \_\_\_\_\_

g. Contact Name: \_\_\_\_\_

h. E-mail: \_\_\_\_\_

4. Pesticide Use Patterns to be included in this Pest Management Area (check all that apply):

a. ☐ Mosquito and Other Flying Insect Pest Control

c. ☐ Animal Pest Control

b. ☐ Weed and Algae Pest Control

d. ☐ Forest Canopy Pest Control

5. Receiving Waters (check one):

a. ☐ Coverage requested for all waters of the state within the Pest Management Area identified above.

b. ☐ Coverage requested specifically for the following waters of the state within the Pest Management Area identified above.

\_\_\_\_\_

c. ☐ Coverage requested for all waters of the state within the Pest Management Area identified above except for:

\_\_\_\_\_  
\_\_\_\_\_

6. Outstanding National Resource Waters (ONRWs)

Is coverage requested for discharge to a Outstanding National Resource Water(s) of the United States? ☐ Yes ☐ No  
If yes, answer a and b:

a. Name of ONRWs: \_\_\_\_\_

b. Provide rationale for determination that pesticide discharge is necessary to protect water quality, the environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis:

\_\_\_\_\_  
\_\_\_\_\_

7. Water Quality Impaired Waters

Operators are not eligible for coverage under this permit for any discharges from a pesticide application to waters of the state if the waters are identified as impaired by a substance which is either an active ingredient of the pesticide designated for use or is a product of degradation of such an active ingredient. See Part 1.1.2.1 of the permit. Check one:

a. ☐ Waters are NOT impaired by any substance which is either an active ingredient of a pesticide to be discharged or a product of degradation of such an active ingredient

b. ☐ Waters are on a current state list as being impaired by a substance which is either an active ingredient of a pesticide to be discharged or a product of degradation of such an active ingredient; however, evidence is attached documenting that the waters are no longer impaired.

#### D. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. A false statement is subject to the penalties of perjury.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature/Responsible

Official: \_\_\_\_\_

Date: 

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NOI Preparer (Complete if NOI was prepared by someone other than the certifier)

Preparer Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

Date: 

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E-Mail: \_\_\_\_\_

## Instructions for Completing the Notice of Intent (NOI) for Coverage Under the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides

### Who Must File a NOI?

Any Operator, as described in the Part 1.2.2 of the permit and meeting the eligibility requirements identified in Part 1.1 of the permit and Table 1 below must submit a complete and accurate NOI. As required in the permit, only certain Operators that are also Decision-makers must submit NOIs.

**Table 1. Decision-Makers Required to Submit NOIs**

PGP Part/ Pesticide Use	Which Decision-Makers Must Submit NOIs?	For Which Pesticide Application Activities?
<b>All four use patterns identified in Part 1.1.1</b>	Any Decision-maker with an eligible discharge to Outstanding National Resource Waters consistent with Part 1.1.2.2	Activities resulting in a discharge to a Outstanding National Resource Waters
<b>1.1.1(a) -</b> Mosquito and Other Flying Insect Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the state
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Adulticide treatment if more than 6,400 acres during a calendar year
<b>1.1.1(b) -</b> Weed and Algae Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All weed and algae pest control activities resulting in a discharge to waters of the state
	Irrigation and weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
<b>1.1.1(c) -</b> Animal Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All animal pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment during a calendar year if more than either: 20 linear miles OR 80 acres of water (i.e., surface area)
<b>1.1.1.(d) -</b> Forest Canopy Pest Control	Any Agency for which pest management for land resource stewardship is an integral part of the organization's operations.	All forest canopy pest control activities resulting in a discharge to waters of the state
	Local governments or other entities that exceed the annual treatment area threshold identified here	Treatment if more than 6,400 acres during a calendar year

One NOI can be submitted for multiple pest management areas for which you are seeking permit coverage.

### When to File the NOI Form?

Do not file your NOI until you have obtained and thoroughly read a copy of the permit. A copy of the permit is on the division's website <http://tn.gov/environment/permits/>. The permit describes procedures to ensure your eligibility, prepare your Pesticide Discharge Management Plan (PDMP), and complete the NOI form questions—all of which must be done before you sign the NOI certification statement attesting to the accuracy and completeness of your NOI. You will also need a copy of the permit once you have obtained coverage so that you can comply with the implementation requirements of the permit. Note: PDMP is not required for any application made in response to a Declared Pest Emergency Situation, as defined in Appendix A of the permit.

**All eligible discharges are authorized for permit coverage through September 1, 2012, without submission of an NOI. For any discharges after September 1, 2012,** Decision-makers meeting the eligibility requirements identified in the Part 1.1 of the permit and Table 1 must submit a complete and accurate NOI according to Tables 2, and 3 and consistent with the requirements of the Part 1.2 of the permit. For example, for discharges occurring on or before September 1, 2012, but continuing after September 1, 2012, NOIs are due no later than April 21, 2012, to ensure uninterrupted coverage.

**Table 2. NOI Submittal Deadlines and Discharge Authorization Dates for Discharges from the Application of Pesticides**

<i>After September 1, 2012, any eligible discharge for which an NOI is required must submit an NOI consistent with the earliest due date identified below. NOI due dates for any discharges occurring on or after September 1, 2012 are as follows:</i>		
<b>Operator Type</b>	<b>NOI Submission Deadline</b>	<b>Discharge Authorization Date<sup>1</sup></b>
Any Decision-maker with a discharge in response to a Declared Pest Emergency for which that activity triggers the NOI requirement identified in Part 1.2.2	Not later than 30 days after beginning discharge.	Immediately upon beginning to discharge for activities conducted in response to a Declared Pest Emergency Situation.
Any Decision-maker that exceeds any annual treatment area threshold.	At least 10 days before exceeding an annual treatment area threshold.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI.
Any Decision-maker otherwise required to submit an NOI as identified in Table 1-1.	At least 10 days before any discharge for which an NOI is required.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI.

<sup>1</sup> On the basis of a review of an NOI or other information, the division may delay authorization to discharge beyond any timeframe identified in Table 1-2, determine that additional technology-based and/or water quality-based effluent limitations or other conditions are necessary, or deny coverage under this permit and require submission of an application for an individual NPDES permit, as detailed in Part 1.3 of the permit.

**Table 3. NOI Change of Information Submittal Deadlines and Discharge Authorization Dates**

<b>Operator Type</b>	<b>NOI Submission Deadline</b>	<b>Discharge Authorization Date</b>
Any Decision-maker requiring permit coverage for a pest management area not identified on a previously submitted NOI for this permit, except for discharges to any Outstanding National Resource Waters. Except for such waters, changes other than identification of a new pest management area or a new pesticide use pattern do not require a revised NOI submittal.	At least 10 days before beginning to discharge in that newly identified area unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after the division posts on the Internet the receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.  (continued on next page)
Any Decision-maker discharging to a Outstanding National Resource Waters water not identified by name on a previously submitted NOI for this permit.	At least 10 days before beginning to discharge in that newly identified Outstanding National Resource Waters unless discharges are in response to a Declared Pest Emergency Situation in which case not later than 30 days after beginning discharge.	No earlier than 10 days after the division posts on the Internet receipt of a complete and accurate NOI unless discharges are in response to a Declared Pest Emergency Situation in which case coverage is available immediately upon beginning to discharge from activities conducted in response to Declared Pest Emergency Situation.

**Where to File the NOI Form**

The applicant shall submit the NOI to the division's Nashville Central Office at the following address:

Division of Water Pollution Control  
Attn: Permit Section – Pesticide General Permit  
6th Floor, L & C Annex  
401 Church Street, Nashville, TN 37243

**Completing the NOI Form**

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above.

**Section A. NOI Status**

1. Indicate if this is the first time you are requesting coverage under the permit or if this is a change of information.
  - a. Check this box if this is the first time you are requesting coverage under the permit for these discharges. If this is the first time you are requesting coverage, refer to Table 2 for NOI submittal deadlines and discharge authorization dates. Note: All eligible discharges are authorized for permit coverage through September 1, 2012, without submission of an NOI.
  - b. Check this box if this is a change of information for a discharge already covered under the permit. If this is a change of information, supply the NPDES permit tracking number that you received in your confirmation letter or e-mail from the division. For additional details regarding a change of information, see Table 3. Also fill out Section B of this form (Operator Name and Mailing Address) and the associated fields of information that need to be modified on the NOI.

**Section B. Operator Information**

1. Provide the legal name of the person, firm, public organization or any other public entity that is the Decision-maker for the pesticides applications described in this notice. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the state.
2. Indicate the type of Operator: federal government, state government, local government, mosquito control district (or similar), irrigation control district (or similar), weed control district (or similar), or other. If other, provide brief description of type of Operator in the space provided.
3. Indicate whether or not you are a "large entity" as defined in Appendix A of the permit. Note that if you are a large entity, you are required to develop a Pesticide Discharge Management Plan (PDMP) and submit future Annual Reports reflecting all pesticide uses for which you are requesting permit coverage under this NOI.

4. Provide the Decision-maker's mailing address, telephone number, fax number (optional), name, and e-mail address. Correspondence will be sent to this address.

**Section C. Pest Management Area: Information for each Pest Management Area for which coverage under EPA's Pesticide General Permit is desired.**

1. Indicate whether you are submitting an NOI for multiple pest management areas. A pest management area is the area of land, including any water, for which you have responsibility and are authorized to conduct pest management activities as covered by this permit (e.g., if you are a mosquito control district, your pest management area is the total area of the district). You must complete a Section C for each pest management area. If you are submitting an NOI for only one area, enter "1" or "1." If you are submitting NOIs for multiple pest management areas, enter the number for the NOI for which you are requesting coverage followed by the total number of pest management areas for which you are requesting coverage. Enter the name of the pest management area. Attach a map of the pest management area or describe the location of the pest management area in the space provided.
2. Indicate whether pesticide application will occur on a Federal Facility, as defined in Appendix A of the permit.
3. Enter the mailing address of the contact person for the pest management area. If this address is the same as the Decision-maker's mailing address, indicate that by checking the box. If it is a different address, enter the mailing address, telephone number, fax number (optional), contact name, and e-mail address.
4. Indicate the pesticide use patterns for the pest management area for which the NOI is required. For additional information regarding pesticide use patterns, see Part 1.1.1 of the permit. Check all the use patterns that apply to the pest management area.
5. Indicate if permit coverage is being requested for all waters of the state within the pest management area or if permit coverage is being requested to specific waters of the state within the pest management area. If specific waters are being requested, write the names of the waterbodies. If permit coverage is being requested for all waters of the state within the pest management area except for specific waterbodies, name those specific waterbodies in the space provided.
6. Indicate if permit coverage is being requested to discharge to a Outstanding National Resource Waters. If yes, write the name(s) of the water(s) in the space provided. Describe and demonstrate why it is necessary to apply the pesticide discharge to protect the water quality, environment, and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis.
7. Verify that waters within the pest management area are either not impaired by substances which are either active ingredients in the pesticide planned for use or products of degradation of such active ingredients, OR that evidence shows that the target waters in question are no longer impaired. See Part 1.1.2.1 of the permit for more information on discharges to water quality impaired waters.

**Section D. Certification**

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) State statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipal, state, federal, or other public facility:* by either a principal executive or ranking elected official.

If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOI preparer.

Appendix E. Notice of Termination Form

-Next Page-



Phone: \_\_\_\_\_ Date: | | | | | | | | | |

E-Mail:

\_\_\_\_\_

\_\_\_\_\_

**INSTRUCTIONS FOR COMPLETING THE NOTICE OF TERMINATION (NOT) OF COVERAGE UNDER THE PESTICIDE GENERAL PERMIT (PGP) FOR  
DISCHARGES FROM THE APPLICATION OF PESTICIDES**

**Who Must File an NOT Form?**

Any Operator required to submit a Notice of Intent (NOI) is required to submit a Notice of Termination (NOT) to end coverage under this permit. However, if the division notifies the Operator to apply for an NPDES individual permit or alternative general permit, coverage under this permit terminates automatically. Dischargers automatically covered under this permit as identified in Part 1.2.3 of the permit are likewise automatically terminated upon permanent cessation of discharge consistent with any of the criteria identified in Part 1.2.5.3 of the permit. As required in the permit, only certain Operators that are also Decision-makers must submit NOIs.

If you have questions about whether you need to file an NOT or questions about completing the form, contact the division at 1-888-891-8332 (TDEC).

**When to File the NOT Form?**

Operators must file the NOT form within 30 days after one or more of the conditions in Part 1.2.5.2 of the permit have been met.

**Where to File the NOT Form?**

The applicant shall submit the NOT to the division's Nashville Central Office at the following address:

Division of Water Pollution Control Attn: Permit Section – Pesticide General Permit 6th Floor, L & C Annex 401 Church Street, Nashville, TN 37243
--

A complete scanned copy of the NOI in the PDF format can also be submitted to e-mail address: [WPC.Permits@tn.gov](mailto:WPC.Permits@tn.gov).

**Completing the NOT Form**

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above.

**Section A. Permit Information**

1. Enter the existing NPDES Permit Tracking Number assigned by the division.
2. Select the appropriate box to indicate why you are submitting an NOT to end permit coverage. Select one of the three termination options:
  - a. Select this box if you have ceased all discharges from the application of pesticides for which you obtained permit coverage and you do not expect to discharge during the remainder of the permit term.
  - b. Select this box if you have obtained NPDES individual permit coverage or alternative NPDES permit coverage.
  - c. Select this box if a new Operator has taken over decision-making responsibility of pest control activities covered under an existing NOI and you are no longer the Operator. Provide the date of transfer and the name and contact information of the new Operator.

**Section B. Operator Information**

1. Provide the full legal name of the person, firm, public organization, or other entity that is the Operator who is the Decision-maker for the pesticide application described in this application.
2. Provide the Operator's mailing address and telephone number. Correspondence will be sent to this address.
3. Provide a contact person's full legal name and e-mail address. This person will be contacted regarding any NOT communication.

**Section C. Certification**

Carefully read the certification statement. By completing and submitting the NOT, the Operator certifies that every applicable general permit requirement will be met. Provide the printed full legal name, title and email address of the certifier. Sign and date the form. (CAUTION: An unsigned or undated NOT form will prevent the termination of permit coverage.) Federal statutes provide for severe penalties for submitting false information on this application form. Federal regulations require this application to be signed as follows:

For a corporation: by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

For a partnership or sole proprietorship: by a general partner or the proprietor; or

For a municipal, state, federal, or other public facility: by either a principal executive or ranking elected official.

If the NOT was prepared by someone other than the certifier (for example, if the NOT was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the NOT preparer.

## Appendix F. Pesticide Discharge Evaluation Worksheet

-Next Page

An alternative worksheet may be used as long as the worksheet contents and the certification language are, at a minimum, equivalent to the division's worksheet and the permittee has obtained a written approval from the division to use the alternative worksheet.



**Tennessee Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**6th Floor Annex, L&C Tower, 401 Church Street, Nashville, Tennessee 37243**  
**1-888-891-8332 (TDEC)**

Discharge Evaluation Worksheet for the Pesticide General Permit (PGP)

This worksheet is for any Operator who is also a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity, as defined in Appendix A of the Pesticide General Permit (PGP). The information on this worksheet must be retained for each pesticide application activity.

**A. General Information**

1. Operator Name: \_\_\_\_\_
2. Worksheet Preparer Name: \_\_\_\_\_
3. Pest Management Area: # \_\_\_\_ of ## \_\_\_\_
4. Pest Management Area Name: \_\_\_\_\_
5. Indicate the pesticide use pattern for the Pest Management Area:  
a. ☐ Mosquito and Other Flying Insect Pests      b. ☐ Weed and Algae Pests      c. ☐ Animal Pests      d. ☐ Forest Canopy Pests
6. For each treatment area (use additional pages for each treatment area):
  - a. Provide a description of the treatment area within this Pest Management Area, including location description:  
\_\_\_\_\_  
\_\_\_\_\_
  - b. Size of treatment area (in acres or linear feet): \_\_\_\_\_ acres or \_\_\_\_\_ linear feet.
  - c. Name or location of any Waters of the United States to which discharges occurred:  
\_\_\_\_\_  
\_\_\_\_\_

**B. Pest Evaluation**

1. Identify the target pest(s) and explain why pest control is needed:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Describe Pest Management Measure(s) implemented before the first pesticide application:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Pesticide Application**

1. Name and contact information for pesticide applicator(s):

Company Name: \_\_\_\_\_

Str \_\_\_\_\_

Cit \_\_\_\_\_



Zip  
Code: \_\_\_\_\_

Contact

\_\_\_\_\_

Phon

\_\_\_\_\_

E-mail:

\_\_\_\_\_

2. Pesticide application start date:       Pesticide application end date:

3. Name of each pesticide product used, EPA registration number, and quantity of pesticide applied (as packaged or as formulated): Circle lbs or gallons.

Product Name _____	Product Name _____	Product Name _____
EPA Reg. No. _____	EPA Reg. No. _____	EPA Reg. No. _____
Quantity (lbs or gallons) _____	Quantity (lbs or gallons) _____	Quantity (lbs or gallons) _____
Application method: _____	Application method: _____	Application method: _____

4. Visual monitoring was conducted during pesticide application and/or post-application? ☐ Yes. ☐ No. If no, describe why not?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Any adverse effects identified during visual monitoring? ☐ Yes. ☐ No. If yes, describe.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### D. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information contained is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for recording false information, including the possibility of fine and imprisonment for knowing violations. A false statement is subject to the penalties of perjury.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature/Responsible Official: \_\_\_\_\_ Date:

Pesticide Discharge Evaluation Worksheet Preparer (Complete if worksheet was prepared by someone other than the certifier)

Preparer Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_ Date:

E-Mail: \_\_\_\_\_

## Instructions for Completing the Pesticide Discharge Evaluation Worksheet (PDEW) for the Pesticide General Permit (PGP)

### Who Must Complete a PDEW?

Any Operator, who is a Decision-maker required to submit a Notice of Intent (NOI) and is a small entity as defined in Appendix A of the permit may complete this Pesticide Discharge Evaluation Worksheet (PDEW) to meet the requirements of Part 7.4 of the PGP.

Pest management area, as defined in Appendix A of the permit, can be a large area (e.g., an entire town) or a very specific well-defined management area (e.g., a lake). Thus, a pest management area can have one or more treatment areas. Operators required to retain the information contained on this worksheet must do so for each treatment area. For treatment areas with the same or similar pests, the Operator can use one worksheet to document pest management activities for those multiple treatment areas.

### When to Complete a PDEW?

Before any pesticide application, any Operator using this form to meet its obligations under the PGP must complete Part B of this worksheet. Part C, except for the pesticide application end date and total quantity of pesticide applied, must be completed as soon as possible but no later than 14 days after the first pesticide application. The total quantity of pesticide applied and the pesticide application end date must be completed as soon as possible but no later than 14 days after completion of pesticide application for this project.

Any Operator using this form to meet its obligations under the PGP must retain this worksheet for at least 3 years from the date that coverage is granted under the PGP or when the permit expires or is terminated. These Operators must make this worksheet available to EPA, including an authorized representative of EPA, upon request.

### Completing the PDEW

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions.

#### Section A. General Information

1. Enter the Operator's full legal name.
2. Enter the full legal name of the person completing the form.
3. Section A should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).
4. Enter the name of the Pest Management Area.
5. Identify the pesticide use pattern(s) for the Pest Management Area.
6. For each treatment area, provide a brief description and location description of the treatment area within the Pest Management Area; size of the treatment area in acres or linear feet, and name or location of any Waters of the United States to which discharges occur.

#### Section B. Pest Evaluation

1. Identify the target pest(s) and provide a brief description of why pest control is needed.
2. Provide a brief description of any Pest Management Measure(s) implemented before pesticide application. For example, identify if you have performed physical control techniques such as pulling weeds, removing breeding habitat, or trapping animals.

#### Section C. Pesticide Application

1. Provide the company name and contact information of the pesticide applicator.
2. Enter the date that the pesticide application began and ended.
3. Enter the name of each pesticide product used including the EPA Registration Number, the quantity of pesticide applied, and the method used to apply the pesticide (e.g., fixed wing aircraft, backpack sprayer).
4. Indicate if visual monitoring was conducted during the pesticide application and/or post-application. If visual monitoring was not performed, provide a brief description of why visual monitoring was not conducted.
5. Indicate if there were any adverse effects identified during visual monitoring. Provide a brief description of any adverse effects that were identified.

#### Section D. Certification

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) State statutes provide for severe penalties for submitting false information. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipal, state, federal, or other public facility:* by either a principal executive or ranking elected official.

If the PDEW was prepared by someone other than the certifier (for example, if the PDEW was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the PDEW preparer.



## Appendix G. Annual Report Template

-Next Page

An alternative report form may be used as long as the report form contents and the certification language are, at a minimum, equivalent to the division's report form and the permittee has obtained a written approval from the division to use the alternative report form.



**Tennessee Department of Environment and Conservation  
Division of Water Pollution Control**

**6th Floor Annex, L&C Tower, 401 Church Street, Nashville, Tennessee 37243**

**1-888-891-8332 (TDEC)**

**Annual Reporting Form for the Pesticide General Permit (PGP)**

This form is for any Operator that is a Decision-maker required to submit an NOI. The annual report must be submitted no later than February 15 of the following year for all pesticide activities covered under the permit occurring during the previous calendar year as detailed in Part 7 of the permit.

**A. General Information**

**1. NPDES Permit Tracking**

Number: \_\_\_\_\_

**2. Operator Name:** \_\_\_\_\_

**3. Operator Contact Information:**

a. Street: \_\_\_\_\_

b. City: \_\_\_\_\_

d. ZIP: \_\_\_\_\_

e. Telephone: \_\_\_\_\_

**4. Contact Information:**

a. Contact  
Name: \_\_\_\_\_

b. Title: \_\_\_\_\_

c. E-mail: \_\_\_\_\_

**B. Adverse Incidents and Corrective Actions**

1. Was an adverse incident observed and/or corrective actions taken for any Pest Management Area for which you have coverage under the permit?

a. ☐ No adverse incidents were observed or corrective action was taken. (Proceed to Section C)

b. ☐ Yes, an adverse incident was observed and/or a corrective action was taken. (Complete questions 2-6 for each Pest Management Area in which adverse incidents were observed or corrective actions were taken. Copy this section for non-electronic submissions).

Pest Management Area # \_\_\_ of ## \_\_\_

2. Pest Management Area Name: \_\_\_\_\_

3. If applicable, provide the date for any adverse incidents as a result of those treatment(s), as described in Part 6.4 of the permit (use additional pages, if needed):

Date of adverse incident observation: 

--	--	--

--	--	--

--	--	--	--	--

4. Date and time the Operator contacted the division to notify the Agency of the adverse incident, who the Operator spoke with at the division, and any instructions received from the division.

a. Date: 

--	--	--

--	--	--

--	--	--	--	--

c. Who the Operator spoke with at the division: \_\_\_\_\_

b. Time: \_\_\_\_\_

d. Instructions received from the division: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Date of submission of Thirty (30)-Day Adverse Incident Written Report: \_\_\_\_\_

--	--	--

--	--	--

--	--	--	--	--

6. Describe any corrective action(s), including spill responses, resulting from pesticide application activities and the rationale for such action(s), subsequent to those steps described in the Thirty (30)-Day Adverse Incident Written Report:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### C. Pest Management Area(s) (use additional pages for each Pest Management Area)

Pest Management Area#\_\_ of ##\_\_

1. Have any discharges from pest control activities occurred in this calendar year?

- a. ☐ No discharge from pest control activities this calendar year. Note: Checking this box completes Section C if you had no discharge from pest control activities this year. Proceed to section D.
- b. ☐ Yes. Proceed to question 2.

2. Indicate the pesticide use pattern for the Pest Management Area:

- a. ☐ Mosquito and Other Flying Insect Pest Control      b. ☐ Weed and Algae Pest Control
- c. ☐ Animal Pest Control      d. ☐ Forest Canopy Pest Control

3. For each treatment area (use additional pages for each treatment area):

a. Provide a description of the treatment area within this Pest Management Area, including location description:

\_\_\_\_\_

\_\_\_\_\_

b. Size of treatment area (in acres or linear feet): \_\_\_\_\_ acres or \_\_\_\_\_ linear feet.

c. Name or location of any waters of the state to which discharges occurred:

\_\_\_\_\_

\_\_\_\_\_

d. Target Pest(s): \_\_\_\_\_

4. Name and contact information for pesticide applicator(s) (or check here if same as provided in Section A): ☐

Company Name: \_\_\_\_\_

Street: \_\_\_\_\_

City: \_\_\_\_\_ State:   ZIP Code: \_\_\_\_\_

Contact \_\_\_\_\_

Phone \_\_\_\_\_

E-mail: \_\_\_\_\_

5. Was this pest control activity addressed in your Pesticide Discharge Monitoring Plan (PDMP) before pesticide application: ☐ Yes ☐ No ☐ Not Applicable

6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Registration Number(s) and by application method.

Circle if quantity indicated is in lbs or gallons: Add additional pages if necessary.

Product Name \_\_\_\_\_

Quantity Applied (lbs or  
gallons  
of product):

Product Name \_\_\_\_\_

Quantity Applied (lbs or  
gallons  
of product):

Application method:

- a. ☐ Aerially by fixed-wing \_\_\_\_\_ lbs or gallons
- b. ☐ Aerially by rotary aircraft \_\_\_\_\_ lbs or gallons
- c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer) \_\_\_\_\_ lbs or gallons
- d. ☐ Aquatic vehicle mounted sprayer \_\_\_\_\_ lbs or gallons
- e. ☐ Direct mixture (includes metering, subsurface applications) \_\_\_\_\_ lbs or gallons
- f. ☐ Chemigation \_\_\_\_\_ lbs or gallons
- g. ☐ Other (specify): \_\_\_\_\_ lbs or gallons

Application method:

- a. ☐ Aerially by fixed-wing \_\_\_\_\_ lbs or gallons
- b. ☐ Aerially by rotary aircraft \_\_\_\_\_ lbs or gallons
- c. ☐ Land-based sprayer (includes backpack, land vehicle mounted sprayers, high pressure canopy sprayer) \_\_\_\_\_ lbs or gallons
- d. ☐ Aquatic vehicle mounted sprayer \_\_\_\_\_ lbs or gallons
- e. ☐ Direct mixture (includes metering, subsurface applications) \_\_\_\_\_ lbs or gallons
- y): \_\_\_\_\_ lbs or gallons

#### D. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. A false statement is subject to the penalties of perjury.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature/Responsible \_\_\_\_\_ Date: 

--	--	--	--	--	--	--	--

Official: \_\_\_\_\_

Annual Report Preparer (Complete if the Annual Report was prepared by someone other than the certifier)

Preparer  
Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_ Date: 

--	--	--	--	--	--	--	--

E-Mail: \_\_\_\_\_

## Instructions for Completing the Annual Report Form for the Pesticide General Permit (PGP)

### Who Must File an Annual Report with the Division?

Any Operator that is a Decision-maker required to submit a Notice of Intent (NOI) and is a large entity as defined in Appendix A of the permit must submit an annual report to EPA each calendar year. Once required to submit an annual report for one year, an annual report must be filed each subsequent year of this permit whether or not you have discharges from the application of pesticides in accordance with Section 7.6 of the permit.

### When to File an Annual Report?

Any Operator required to file an annual report must submit the annual report no later than February 15 of the following year for all pesticide activities covered under this permit occurring during the previous calendar year. If the Operator is required to submit an NOI based on an annual treatment area threshold, the annual report must include information for the calendar year, with the first annual report required to include activities for the portion of the calendar year after the point at which the Operator exceeded the annual treatment area threshold. If the Operator first exceeds an annual treatment area threshold after December 1 in a calendar year, an annual report is not required for that first partial year but annual reports are required thereafter, with the first annual report submitted also including information from the first partial year.

When Operator terminates permit coverage, as specified in Part 1.2.5 of the permit, an annual report must be submitted for the portion of the year up through the date of termination. The annual report is due no later than February 15 of the following year.

### Where to File the Report

The applicant shall submit the Annual Report to the division's Nashville Central Office at the following address:

Division of Water Pollution Control Attn: Permit Section – Pesticide General Permit 6th Floor, L & C Annex 401 Church Street, Nashville, TN 37243
--

### Completing the NOI Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above.

### Completing the Annual Report Form

To complete this form, type or print in uppercase letters in the appropriate areas only. Make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the address above.

#### Section A. General Information

1. Enter the existing NPDES Permit Tracking Number assigned by the division.
2. Provide the legal name of the person, firm, public organization or any other public entity who is the Decision-maker for the pesticides applications described in this report. A Decision-maker is an Operator who has control over the decision to perform pesticide applications including the ability to modify those decisions that result in a discharge to waters of the state.
3. Enter the address, telephone number, and fax number of the Operator.
4. Provide the full legal name, title and e-mail address of a contact person for the Annual Report.

#### Section B. Adverse Incidents and Corrective Actions

1. Identify if an adverse incident was observed and corrective actions were taken for any Pest Management Area for which you have coverage under the permit. If no, proceed to Section C. If yes, complete Section B for each Pest Management Area for which an adverse incident was observed or corrective action was taken.
2. Enter the name of the Pest Management Area.
3. If applicable, enter the date of any adverse incidents resulting from the treatments, as described in Part 6.4 of the permit. Use additional pages if there are multiple dates to be described.
4. Enter the date and time the Operator contacted EPA to notify the Agency of the adverse incident, pursuant to Part 6.4.1.1 of the permit.
  - a. Indicate the date of the contact.
  - b. Indicate the time of the contact.
  - c. Indicate who the Operator spoke with at the division.
  - d. Indicate any instructions received from the division.
5. Enter the date that the Thirty (30)-Day Adverse Incident Written Report was submitted, pursuant to Part 6.4.2 of the permit.
6. Provide a description of any corrective action(s) resulting from pesticide application activities and the rationale for the action(s), performed subsequently to or in addition to any actions described in the Thirty (30)-Day Adverse Incident Written Report.

#### Section C. Pest Management Area(s)

Section C should be completed for each Pest Management Area. Indicate which Pest Management Area out of the total number of Pest Management Areas for which the section is being completed (i.e., Pest Management Area 1 of 10 total Pest Management Areas).

1. Identify if you had a discharge from pest control activities this calendar year. Check yes if you had discharge from pest control activities this calendar year. Check no if you had no discharge from pest control activities this calendar year. Note: Checking the no box completes Section C
2. Select the box for the type of pesticide use pattern for the Pest Management Area.
3. Provide a description of the treatment area (use additional pages for each treatment area).
  - a. Provide a description of the treatment area, including a description of the location.
  - b. Provide the size of the treatment area in acres or linear feet.
  - c. Provide the name or location of any Waters of the United States to which discharges occur.
  - d. Provide a description of the target pest(s).
4. Provide the company name(s), mailing address, a contact person, contact person's title, telephone number and e-mail address for the pesticide applicator(s). If the information is the same as Section A, check the appropriate box and proceed to the next question.
5. Indicate if the pest control activity was addressed in your PDMP before pesticide application.
6. Enter the total amount of each pesticide product applied for the reporting year by the product name, EPA Registration Number(s) and by application method. Circle whether the quantity applied is in pounds or gallons. Copy and attach additional pages, as necessary.

#### **Section D. Certification**

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) Federal statutes provide for severe penalties for submitting false information. Federal regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipal, state, Federal, or other public facility:* by either a principal executive or ranking elected official.

If the Annual Report was prepared by someone other than the certifier (for example, if the Annual Report was prepared by the PDMP contact or a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the Annual Report preparer.

## Appendix H. Adverse Incident Report Template

An alternative report form may be used as long as the report form contents and the certification language are, at a minimum, equivalent to the division's report form and the permittee has obtained a written approval from the division to use the alternative report form.



**Tennessee Department of Environment and Conservation**  
**Division of Water Pollution Control**  
**6th Floor Annex, L&C Tower, 401 Church Street, Nashville, Tennessee 37243**  
**1-888-891-8332 (TDEC)**

Thirty (30)-Day Adverse Incident Written Report for the Pesticide General Permit (PGP)

This form is for Operators required to submit a written report of any reportable adverse incidents to the appropriate Environmental Field Office (EFO, part 8.2) and to the Tennessee Department of Agriculture, Pesticide Section. Where multiple Operators are authorized for a discharge that results in an adverse incident, reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of this report is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

**A. Reportable Adverse Incident.**

**Is the adverse incident reportable?** Reporting of adverse incidents is not required under the PGP in the following situations: (a) An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application; (b) An Operator has been notified by the division, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents; (c) An Operator receives information of an adverse incident, but that information is clearly erroneous; or (d) An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

- ☐ Yes. You must complete this report and submit it to the appropriate EFO and to the Tennessee Department of Agriculture, Pesticide Section.
- ☐ No. STOP. You are not required to complete this report. However, you may consider using this form to document the incident and your rationale for why reporting of the adverse incident is not required. This information may be useful to support your rationale should you be questioned on such.

**B. Information from the 24-Hour Adverse Incident Notification**

When an Operator observes or is otherwise made aware of an adverse incident, which may have resulted from a discharge from a pesticide application, the Operator must immediately notify the appropriate EFO and to the Tennessee Department of Agriculture, Pesticide Section. This notification must be made by telephone within 24 hours of the Operator becoming aware of the adverse incident. Operators must include in the written report the information provided to the division in the 24-hour adverse incident notification (PGP Part 6.4.1.1). Attach additional information if necessary.

**1. Caller's Contact Information:**

a. Name: \_\_\_\_\_

b. Telephone Number: \_\_\_\_\_

**2. Operator Information:**

a. Operator Name: \_\_\_\_\_

b. \_\_\_\_\_ Mailing Address:

Street: \_\_\_\_\_

City: \_\_\_\_\_ State: 

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 ZIP Code: \_\_\_\_\_

3. NPDES Permit Tracking Number:           **TNG**           (Enter "NA" if not applicable)

**4. Contact person, if different than the person providing the 24-hour notice under item 1 above:**

a. Name: \_\_\_\_\_

b. Telephone Number: 

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**5. Describe how and when the Operator became aware of the adverse incident:**

\_\_\_\_\_  
\_\_\_\_\_

**6. Describe the location of the adverse incident:**

\_\_\_\_\_  
\_\_\_\_\_



7. Describe the adverse incident identified and the pesticide product, including EPA pesticide registration number in item 7a below, for each product applied in the area of the adverse incident:

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a. Pesticide Registration Number:

Pesticide Registration Number:

\_\_\_\_\_

8. Describe any steps the Operator has taken or will take to correct, repair, remedy, clean up, or otherwise address any adverse effects:

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9. Identify any other Operators authorized for coverage under this permit for discharges from the pesticide application activities that resulted in the adverse incident and if so, provide details of your notification of those other Operator(s):

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### C. Date and Time the Operator Notified TDEC of the Adverse Incident

1. Date TDEC was contacted:

\_\_\_\_\_

2. Time TDEC was contacted: \_\_\_\_\_ Eastern

3. Name and/or title of the person the Operator spoke with at TDEC:

a. Name:

b. Title:

4. Instructions received from TDEC:

### D. Other Information Required in the Thirty (30) Day Adverse Incident Report

Please attach additional information if necessary.

1. Location of incident, including the names of any waters affected and appearance of those waters (sheen, color, clarity, etc):

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2. Describe the circumstances of the adverse incident including species affected, estimated number of affected individuals, and approximate size of dead or distressed organisms:

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3. Describe the magnitude and scope of the affected area (e.g. aquatic square area or total stream distance affected):

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4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.

Pesticide application rate:	<hr/>	Pesticide application rate:	<hr/>
Intended use site:	<hr/>	Intended use site:	<hr/>
Method of application:	<hr/>	Method of application:	<hr/>
Product:	<hr/>	Product:	<hr/>
EPA Reg. No.:	<hr/>	EPA Reg. No.:	<hr/>

5. Describe the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied):

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6. Provide an indication of which laboratory test(s), if any, were performed, and when. (Note: A summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.):

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7. Describe the actions to be taken to prevent recurrence of adverse incidents:

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### E. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. On the basis of my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. A false statement is subject to the penalties of perjury.

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Signature/Responsible Official: \_\_\_\_\_

Date: 

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**Adverse Incident Report Preparer (Complete if Adverse Incident Report was prepared by someone other than the certifier)**

Preparer Name: \_\_\_\_\_

Organization: \_\_\_\_\_

Phone: \_\_\_\_\_

Date: 

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E-Mail: \_\_\_\_\_

## **Instructions for Completing and Submitting the Thirty (30) Day Adverse Incident Written Report for the Pesticide General Permit (PGP) for Discharges from the Application of Pesticides**

### **Who Must Submit a 30-day Adverse Incident Report?**

All Operators who observe or are otherwise made aware of a reportable adverse incident pursuant to Part 6.4 of the permit must submit an adverse incident report.

However, even for those identified adverse incidents for which the Operator is not required to report, the division recommends that Operators consider using this form to document the incident and the rationale for why reporting of the adverse incident is not required. This information may be useful to support a rationale should this determination be questioned.

An adverse incident, as defined in the Appendix A of the permit, is an unusual or unexpected incident that an Operator has observed upon inspection or of which the Operator otherwise became aware, in which: (1) there is evidence that a person or non-target organism has likely been exposed to a pesticide residue, and (2) the person or non-target organism suffered a toxic or adverse effect. See Appendix A of the permit, for the complete definition of adverse incident.

Where multiple Operators are authorized for a discharge that results in an adverse incident, notification and reporting by any one of the Operators constitutes compliance for all of the Operators, provided a copy of the written report required in Part 6.4.2 of the permit is also provided to all of the other authorized Operators within 30 days of the reportable adverse incident.

### **When to File the Adverse Incident Report**

Operators must provide a written report of any reportable adverse incidents to the division's local Environmental Field Office (EFO- Part 8.2) and to the Tennessee Department of Agriculture, Pesticide Section within 30 days of the adverse incident pursuant to Part 6.4.1.1 of the permit.

### **Where to File the 30-day Adverse Incident Report**

The Operator must immediately notify the appropriate EPA Incident Reporting Contact, as identified at [www.epa.gov/npdes/pesticides](http://www.epa.gov/npdes/pesticides) of the adverse incident within 24 hours. The Operator(s) must provide a written report of the adverse incident to the appropriate EFO at the address listed in Part 8.2 of the permit and to the Tennessee Department of Agriculture, Pesticide Section.

If an Operator becomes aware of an adverse incident affecting Federal or State listed Threatened and Endangered Species, Species Deemed in Need of Management or Special Concern Species which may have resulted from a discharge from the Operator's pesticide application, the Operator must immediately notify the United States Fish and Wildlife Service (FWS) in the case of a terrestrial or freshwater species.

### **Completing the 30-day Adverse Incident Report**

To complete this form, type or print in uppercase letters in the appropriate areas only. Please make sure you complete all questions. Make sure you make a photocopy for your records before you send the completed original form to the appropriate EFO at the address listed in Part 8.2 of the permit.

#### **Section A. Reportable Adverse Incident**

The Operator is required to submit this Adverse Incident Report if the adverse incident is reportable. Check yes if the adverse incident is reportable. If an Adverse Incident Report is not required, check no. No further action is needed on this form. Reporting of adverse incidents is not required under the PGP in the following situations:

- a. An Operator is aware of facts that indicate that the adverse incident was not related to toxic effects or exposure from the pesticide application;
- b. An Operator has been notified by the division, and retains such notification, that the reporting requirement has been waived for this incident or category of incidents;
- c. An Operator receives information notifying the Operator of an adverse incident, but that information is clearly erroneous; or
- d. An adverse incident occurs to pests that are similar in kind to potential target pests identified on the FIFRA label.

#### **Section B. Information from the 24-hour Adverse Incident Notification**

1. Provide contact information for the person that called the division to report the adverse incident.
  - a. Enter the legal name of the caller.
  - b. Enter the phone number of the caller.
2. Provide the Operator's contact information.
  - a. Enter the legal name of the Operator.
  - b. Enter the mailing address of the Operator.
3. If an NOI was filed as required in Part 1.2 of the permit, enter the NPDES Permit Tracking Number.
4. Provide contact information for a contact person, if different than the person that called the division to report the adverse incident.
  - a. Enter the legal name of the contact person.
  - b. Enter the phone number of the contact person.
5. Provide a description of how and when the Operator became aware of the adverse incident.
6. Provide a description of the location of the adverse incident.

7. Provide a description of the adverse incident and the pesticide product used in the adverse incident. Include the EPA pesticide registration number for each product applied in the area of the adverse incident. Attach additional pages if necessary
8. Provide a description of any steps the Operator has taken to correct, repair, remedy, clean up or otherwise address the adverse effects of the incident.
9. Identify any other Operators authorized for coverage under the permit for discharges from the pesticide application activities that resulted in the adverse incident. If other Operators are authorized under this permit, provide details of your notification of those other Operator(s).

#### **Section C. Date and Time the Operator Notified EPA of the Adverse Incident**

1. Enter the date that the division was contacted to report the adverse incident.
2. Enter the time the division was contacted to report the adverse incident.
3. Provide the legal name and title of the person contacted at the division.
4. Provide a description of the instructions received by the division.

#### **Section D. Other Information Required in the Thirty (30) Day Adverse Incident Report**

1. Enter the location of the adverse incident and include the names of any waters affected. Please include the appearance of those waters (sheen, color, clarity, etc.).
2. Provide a description of the circumstances of the adverse incident including species affected, estimated number of affected individuals and approximate size of dead or distressed organisms.
3. Provide a description of the magnitude and scope of the affected area. Include aquatic square area or total stream distance affected, if possible.
4. Provide the pesticide application rate, intended use site (e.g., on the bank, above waters, or directly to water), method of application, and the name of pesticide product and EPA registration number.
5. Provide a description of the habitat and the circumstances under which the adverse incident occurred (including any available ambient water data for pesticides applied).
6. Indicate which laboratory test(s) were performed and when, if laboratory tests were performed. The summary of the test results must be provided within 5 days after they become available, if not available at the time of submission of this report.
7. Provide a description of the actions to be taken to prevent recurrence of adverse incidents.

#### **Section E. Certification**

Enter the certifier's printed name and title. Sign and date the form. For more information about the certification statement and signature, see Appendix B of the permit. (CAUTION: An unsigned or undated form will not be accepted.) State statutes provide for severe penalties for submitting false information. State regulations require this application to be signed as follows:

*For a corporation:* by a responsible corporate officer, which means:

- (i) president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- (ii) the manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated activity including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

*For a partnership or sole proprietorship:* by a general partner or the proprietor; or

*For a municipal, state, federal, or other public facility:* by either a principal executive or ranking elected official.

If the report was prepared by someone other than the certifier (for example, if the report was prepared by a consultant for the certifier's signature), include the name, organization, phone number and e-mail address of the report preparer and the date that the report was prepared.